

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

12 June 2002

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By authority of the Victorian Government Printer

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Wednesday, 12 June 2002

The **PRESIDENT** (Hon. B. A. Chamberlain) took the chair at 10.04 a.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

Casino (Management Agreement) (Amendment) Act
Electoral Act
Energy Legislation (Further Miscellaneous Amendments) Act
House Contracts Guarantee (HH Further Amendment) Act
Magistrates' Court (Amendment) Act
Magistrates' Court (Koori Court) Act
Pathology Services Accreditation (Amendment) Act
State Taxation Acts (Further Tax Reform) Act
State Taxation Legislation (Further Amendment) Act
Tobacco (Miscellaneous Amendments) Act
Transport (Further Miscellaneous Amendments) Act

QUESTIONS WITHOUT NOTICE

Commonwealth Games: MCG redevelopment

Hon. K. M. SMITH (South Eastern) — I address my question to the Minister for Commonwealth Games. With respect to construction of the new stand at the Melbourne Cricket Ground, will employees who choose not to be union members be able to work on the MCG project?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the honourable member's question. The Melbourne Cricket Ground redevelopment will be an icon development in this state. The government thinks it will be an icon not only in terms of the building itself but also in terms of the management of the site and the delivery of the project. It looks forward to the builder delivering the project on time and on budget. The announcement of the short-listed tenderer will take place in the next few weeks.

Hon. K. M. Smith — On a point of order, Mr President, the minister in no way, shape or form addressed my question in regard to whether non-union members will be able to work on the MCG site. I would like him to answer the question.

The PRESIDENT — Order! The question was very specific — there were no preliminaries. The minister is entitled to respond to a preamble as well as the question

itself, but there was no preamble in this case. The question was very specific as to whether non-union workers would be able to work on the MCG site. The minister has not answered that question. As I have said before, that is as far as I can take it.

Hon. J. M. MADDEN — As the honourable member would be aware, there has been considerable discussion with the federal government in relation to its involvement in the project. The government is happy to implement the federal laws, and no doubt the industry guidelines will apply to the project. The dispute which has occurred in relation to the federal funding was caused by the fact that the federal minister breached his own guidelines by involving himself in the process after the tender date. I am pleased to announce that the government will ensure that all aspects of the federal law are implemented accordingly. I believe that addresses Mr Smith's concerns.

Supplementary question

Hon. K. M. SMITH (South Eastern) — The Minister for Commonwealth Games talked about an icon development, but I have some doubt as to whether it will even be started let alone finished by the time of the Commonwealth Games! The minister says the government will be happy to implement the federal laws. Can he please advise the house why the Victorian government is so opposed to the Office of the Employment Advocate having access to the Melbourne Cricket Ground site? That is what this is all about.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I am happy to explain with a bit more detail the situation —

Honourable members interjecting.

The PRESIDENT — Order! I am sure the minister does not need any help in relation to this answer. I ask the house to settle down so we can hear the minister's response.

Hon. J. M. MADDEN — The project itself is of the order of \$400 million. The project is required to be delivered on time and on budget. The project also requires the facility to operate throughout the entire time the project is constructed.

The information that we received in relation to the tenderers was that they believed the tampering by the federal workplace relations minister would put the project in jeopardy and, in particular, escalate the costs to a point where the project would not be feasible so it could not be delivered on budget and could not be guaranteed to be delivered on time.

Environment: greenhouse strategy

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Energy and Resources inform the house of the action that the Bracks government is taking to deliver reductions in greenhouse gas emissions from the transport sector for Victoria?

Hon. C. C. BROAD (Minister for Energy and Resources) — I thank the honourable member for Melbourne Province for her question and her continuing interest in this subject.

All sectors of the economy contribute to the production of greenhouse gas emissions, and the Bracks government firmly believes that all must play a role and meet their responsibilities in achieving reductions in greenhouse gas emissions.

The transport sector contributes about 16 per cent of Victoria's greenhouse gas emissions, so the Bracks government recognises that it is important that steps be taken to reduce emissions from this sector. I am pleased to advise the house that the government is taking action to do so. Action needs to be taken on a number of fronts in a coordinated fashion to address the many and varied factors that influence the level and rate of growth in transport emissions.

The actions in the Victorian greenhouse strategy relating to the transport sector are just one aspect of the government's overall transport and planning policies, programs and strategies which aim to reduce the use of cars and therefore cut greenhouse gas emissions.

The government has established a target for travel in Melbourne undertaken on public transport to increase to 20 per cent of motorised trips by 2020 — a significant increase from the current figure of just 9 per cent. That will mean a significant reduction in greenhouse gas emissions.

Apart from the significant commitments that the government has made to improve Victoria's public transport system through the Linking Victoria initiative, the Victorian greenhouse strategy includes a number of new initiatives in this area. We have set a target to reduce greenhouse gas emissions from the government's motor vehicle fleet by 10 per cent, and in this way the government is showing leadership and taking responsibility for emissions from its own operations.

In addition, in the strategy the government has allocated \$200 000 for work in partnership with the corporate sector and the local government fleet and their operators to provide training for fleet managers on

opportunities for reducing greenhouse gas emissions from transport.

Through the Victorian greenhouse strategy and other government programs the Bracks government is building the foundations for a sustainable transport sector in this state and the resulting reductions in greenhouse gas emissions. So we are turning things around on the issue of climate change, and we are taking action to deliver climate protection for all Victorians.

I call on the Liberal and National opposition parties to urge the federal government to match the actions of the Bracks government on climate protection. There has been something of a deafening silence on this subject from the opposition parties in this state, and it is about time that they had something to say on this subject. A good start would be if they were to communicate to their federal counterparts the need for action to be taken, in particular to match the actions of the Bracks government and the leadership that we have shown on the matter of climate protection.

Fishing: enforcement policy

Hon. C. A. FURLETTI (Templestowe) — I am pleased to direct my question without notice to the minister for natural resources as well, Mr President. I refer to the minister's message — —

Hon. C. C. Broad — There is no such minister. At least get the title right!

Hon. Bill Forwood — Oh, we are snaky today, aren't we?

The PRESIDENT — Order! It is the Minister for Energy and Resources.

Hon. C. A. FURLETTI — The minister for resources obviously did not have a good night's sleep I refer to her less than comforting answers to recent questions in this house about the source of the \$3.4 million a year recurrent expenses for fisheries and enforcement which was announced in the state budget. Will the minister unequivocally confirm that the additional funds will not be recouped from existing abalone licence holders?

Hon. C. C. BROAD (Minister for Energy and Resources) — It is very interesting to see the shadow minister, the Liberal spokesperson on this matter, following the lead of the National Party leader in this place, who has already asked this question in this chamber, and I have already responded to him on this matter. I believe my answers have been entirely clear. I

have made it very clear that the funding that is part of the package of the marine parks legislation, which I expect we will be debating in this chamber very soon, is quite separate from ongoing funding in other areas in relation to fisheries enforcement. That has always been made clear by the government, and I reaffirm the answer which I have already placed on the record to the Honourable Peter Hall.

Supplementary question

Hon. C. A. FURLETTI (Templestowe) — Thank you, Minister. I am very pleased to hear that. Would the minister now explain to the house why Fisheries Victoria appears to be preparing a cost-recovery regime from the abalone sector which it has told us will come into effect next April?

Hon. C. C. BROAD (Minister for Energy and Resources) — Again, what I indicated in my previous answer to the Honourable Peter Hall was that the government does not have any proposals currently before it in relation to discussions taking place between Fisheries Victoria and the abalone industry about cost recovery. These are matters which, if it is possible for those discussions to be advanced — —

Honourable members interjecting.

The PRESIDENT — Order! I cannot hear the minister's response; she is being drowned out by the opposition. I am anxious to hear the minister's response and I suggest everyone else keep out.

Hon. C. C. BROAD — I am pleased to respond, even if the honourable member who asked the question does not like the response. If it is possible to advance those particular discussions there will be ample opportunity for them to be scrutinised publicly, including by Parliament, because if the shadow minister was doing his homework he would know they require changes to legislation. There are no such proposals — —

The PRESIDENT — Time!

Bocce bowls championships

Hon. R. F. SMITH (Chelsea) — Now for a serious question: will the Minister for Sport and Recreation advise the house of the exciting sporting opportunities that feature in our major events calendar?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Last Friday night it was my pleasure and privilege to officially open the 2002 national bocce bowls championships at the Italo Australian Social Club in Sunshine. This was a tremendous event held

over the Queen's Birthday weekend. It is the premier event on the Australian bocce calendar and was organised by the Bocce Federation of Australia. The event was hosted jointly by the Italo Australian Social Club of Sunshine and the Bocce Federation of Victoria. I congratulate the federation and the club for their outstanding work in bringing together this event, particularly for the Sunshine area.

The Victorian federation has approximately 16 affiliated clubs — and there are a few people in the chamber who consider themselves not too bad at bocce! I hope they are better at bocce than they are at golf! The 16 affiliated clubs have about 700 participants, 90 per cent of whom come from non-English-speaking backgrounds.

The national championships were well attended, with approximately 250 people watching the opening ceremony. The highlight of the evening was the rapid throw event. Honourable members may not be aware of what rapid throw is, but it adds a new dimension to what people consider the norm in bocce. It is a very exciting event which requires substantial stamina, concentration and fitness over and above the normal game of bocce, and organisers are lobbying heavily to have this event included as an event at future Olympic Games. The event attracted male and female competitors, with five events for men and three for women. Teams from the mainland states were represented at the championships, which attracted approximately 60 athletes from across Australia.

The national championships are part of the process of choosing participants to represent Australia at the world championships, where Australia has performed creditably with the women's team having won gold and silver and a fourth placing overall.

I thank the Victorian federation and the Italo Australian Social Club for hosting, assisting and sponsoring this event. I look forward to the development of bocce in Victoria, not only for what it does in bringing communities together and strengthening them but for helping to overcome sometimes cultural barriers which may be in the way of people coming together. I look forward to future events being held in Victoria, endorsed and supported by this government.

Commonwealth Games: MCG redevelopment

Hon. R. M. HALLAM (Western) — I direct my question to the Minister for Commonwealth Games. I refer to the \$77 million of additional public funding recently announced by the Premier for the redevelopment of the Melbourne Cricket Ground as a

key venue for the Melbourne Commonwealth Games. I ask the minister in his direct responsibility where we should expect that additional commitment to appear in the budget documents and over what budgetary period.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — As I have mentioned in relation to the Commonwealth Games budget in answers to previous questions, as honourable members would be aware, in terms of the budget estimates, figures have been nominated in relation to next year's budget. I have also mentioned that the long-term budget for the Commonwealth Games will be finalised later this year after the Manchester Games have been assessed and the issues that need to be addressed have been addressed in relation to the delivery of the games. I look forward to seeing those additional sums required highlighted in future budget estimates and projections for future years.

Supplementary question

Hon. R. M. HALLAM (Western) — I am pleased we got that clarification on the record. Did the Treasurer get to hear of the additional funding before or after the announcement was made?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — Mr Hallam would appreciate that these decisions are made at the highest levels of government. The opposition can giggle about it, but this issue represents our commitment as a government to the Commonwealth Games and the failure — I reinforce 'failure' — of the federal government to commit itself to the Commonwealth Games. It is an antisport federal government turning its back on the Commonwealth Games.

Youth: regional committees

Hon. T. C. THEOPHANOUS (Jika Jika) — Will the Minister for Youth Affairs inform the house how the Bracks government is working in partnership with youth throughout Victoria, particularly through the regional youth committees?

Hon. M. M. GOULD (Minister for Youth Affairs) — I thank the honourable member for his question. Unlike the opposition, the Bracks government takes young people seriously. We believe in working with the youth sector instead of against it, as the opposition did in its time in government.

Since being elected to government we have added seven new positions within the Office for Youth to support the 15 regional youth committees. These seven youth liaison officers work through the regional offices

of the Department of Education and Training and make sure that each committee is fully resourced, unlike what the opposition did in the youth sector. Each regional youth committee consists of a range of community representatives who work with young people. During the last year these regional youth committees have provided the government with advice on a range of issues, such as young people's mental health, youth participation and resource allocation. Regional youth committees have also set up important rural networks involving local services and young people. These networks encourage the creation of opportunities for young people to help shape policy and planning.

I recently had the pleasure of meeting the Barwon Regional Youth Committee, which includes senior members of the local police, social workers, teachers and councillors. I met with its members and discussed a wide range of matters that are important to young people in the area. I take this opportunity to congratulate the members of the Barwon Regional Youth Committee for the professionalism of the work that it has undertaken. This committee has been particularly active in developing a number of high-quality research papers on a range of youth issues. The committee is planning to hold a forum for the local youth sector later this year. It also plans to continue its good work in sharing information and building partnerships across the sector, unlike the opposition, which wanted to break them down and not support them in any way.

The Bracks government will continue to listen to and support young people. We will continue to take young people seriously. Unlike the previous government, we will continue to provide proper resources to the regional youth committees.

Schools: security

Hon. B. C. BOARDMAN (Chelsea) — Last week I asked the Minister for Education Services directly whether she was prepared to release statewide figures indicating recorded burglary and other data on offences committed on schools and other education facilities. As one week has passed since this request was made, is the minister now prepared to release the figures, or does she have something to hide?

Hon. M. M. GOULD (Minister for Education Services) — Mr Boardman obviously has nothing better to do with his time and it is not yet near the end of the session! As I indicated, under the previous government there was no centralised registry of incidents that occurred at schools. The Bracks government has introduced a central register. That

information was sought by the *Herald Sun* under a freedom of information request and was released to that paper some time ago.

Supplementary question

Hon. B. C. BOARDMAN (Chelsea) — I make a correction to the minister's statement, and I will monitor her answer. I understand that the information requested by the *Herald Sun* resulted in the minister's office releasing an article from the *Sunday Herald Sun* of April this year which highlighted confirmation of increases in burglaries at school premises. As I understand, it the *Herald Sun* is not satisfied with that information, and neither is the opposition. Is the minister now prepared to release the information on a more public basis? If she continues to go down the path of saying it is not available, will she allow individual schools to talk about this situation?

Hon. M. M. GOULD (Minister for Education Services) — Unlike the opposition, the government does not gag schools, and neither nor does it gag principals or teachers from speaking out. If the honourable member wants to read his local paper he will see from time to time that schools have indicated where burglaries or vandalism have taken place. Unlike your party, Mr Boardman, the government does not place gags on schools. If schools wish to raise an issue in the media they are entitled to do so, as they have done since we have been in government.

Cruise ships

Hon. E. C. CARBINES (Geelong) — Will the Minister for Ports inform the house as to how actions taken by the Bracks government have enabled Victoria to host new generation cruise ships and plan for the 2002–03 cruise shipping season?

Hon. C. C. BROAD (Minister for Ports) — I thank the honourable member for her question and her support for cruise ship visits to Geelong. I am pleased to have the opportunity of advising the house of the Bracks government's continued success in building on record cruise ship seasons in Victoria to date. The refurbishment program to enable Station Pier to accommodate the larger, new generation cruise ships of the future has contributed enormously to this.

I inform the house that as a result of actions taken by the Bracks government to support cruise shipping, P & O Australia has announced that the *Star Princess* cruise ship will be visiting Melbourne eight times during the summer of 2003–04. The 109 000 tonne *Star Princess*, with the capacity to carry 3300 passengers and 900 crew, will be the largest cruise ship to ever

visit Melbourne. This equates to over 30 000 visitors for the season from this one ship, which will provide a tremendous economic boost to the state. It builds on the success of the 2001–02 cruise-shipping season in Victoria, which was the most successful on record.

I am also pleased to inform the house that the 2002–03 cruise program will be another record season for Victoria. More than 30 cruise ships are already confirmed to visit Melbourne between October and March next season. I am pleased to add that as part of the Bracks government's commitment to growing the whole of the state, ships will also visit Geelong, meaning an additional boost for Geelong and regional Victoria. This is evidence that the Bracks government's program to refurbish Station Pier and attract more and larger cruise ships to Victoria is working and delivering economic benefits for all Victorians. The government has a vision for Station Pier as Australia's premier sea passenger facility, and it is setting up the structures to make this happen.

The Bracks government has spent \$18 million upgrading structures at Station Pier to provide a third cruise ship berth and to raise the gatehouse to improve access for the new generation coaches.

The growing cruise shipping program for the coming seasons, together with TT-Line's recent announcement of an expanded daily passenger ferry service to Tasmania, demonstrates that the actions of the Bracks government to support the cruise shipping industry in Victoria are producing results.

Teachers: recruitment

Hon. ANDREW BRIDESON (Waverley) — I have a friendly question this morning for the Minister for Education Services: will the minister explain in detail the proposal to employ untrained teachers?

Hon. M. M. GOULD (Minister for Education Services) — The Bracks government is currently investigating a range of strategies to attract the best and brightest into the teaching profession. As the honourable member would know, the previous government sacked 9000 teachers at a cost of \$350 million. It did not care. As usual, the opposition when in government did not care what its actions would lead to, which is a teacher shortage!

The government is working to repair the damage that the opposition caused. Further, the federal government is still refusing to adequately fund sufficient university places to overcome the teacher shortage. The Victorian Institute of Teaching will form a new partnership with

the teaching profession after it was so brutally cut and demoralised by the previous government.

The government is looking at a range of strategies to address the shortage of teachers. The teacher graduate recruitment program and the department promotes teaching as a career through an Internet recruitment site. Career information sessions are conducted with final year students to promote teaching opportunities. The department also offers support for and retraining of currently employed teachers in hard-to-staff areas.

The government is looking at a number of strategies. We are investigating new measures, including a scholarship-plus program — an initiative where schools may employ a trainee teacher over two years and keep them once they have finished. A range of initiatives are being investigated, some of which have been implemented, but it is because of the actions of the previous government in sacking 9000 teachers that we have the shortage we are experiencing today.

Supplementary question

Hon. ANDREW BRIDESON (Waverley) — I thank the minister for that response to my friendly question, but I need to correct the record. The Kennett government did not sack 9000 teachers. In fact, if one cares to look at history, not one teacher was sacked. The way that the Kennett government reduced the size of the teaching force was to offer voluntary departure packages. Teachers made the decisions as whether they wanted to retire from the work force — —

Honourable members interjecting.

The PRESIDENT — Order! The honourable member is in the process of asking a supplementary question; he has 22 seconds more to do so. The house is entitled to hear that question, and I ask honourable members to settle down to allow Mr Brideson to finish.

Hon. ANDREW BRIDESON — I now ask the minister to inform the house how she intends to implement her proposal to employ 900 untrained, unqualified teachers when Mary Bluett, the president of the Australian Education Union, said categorically this morning that the plan cannot and will not be implemented and is totally unacceptable. There are five teachers in this chamber who would all agree with Mary Bluett.

Hon. M. M. GOULD (Minister for Education Services) — As I indicated in my response to the previous question, the government is investigating new measures, which include the scholarship-plus program.

We need to consider a range of options to attract the best staff into our schools.

Hon. Gavin Jennings — I want to know who's moonlighting as a teacher!

Hon. M. M. GOULD — Are they registered? You have to be registered under the Victorian Institute of Teaching as of next year or you will not be able to teach in Victorian schools!

As announced yesterday, these strategies are being examined. We will continue to examine them as well as other initiatives.

Youth: proof of age

Hon. KAYE DARVENIZA (Melbourne West) — Yesterday the Minister for Small Business undertook to investigate a claim that driver licences and learner permits were being falsified. Can the minister inform the house whether she has investigated this claim and what has been revealed?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for her question because the allegations were certainly serious. I took the matter up with the director of liquor licensing, and I can inform the house that there is no evidence that drivers licences or learners permits have been falsified to allow under-age people to obtain alcohol or gain access to licensed premises.

The claims made yesterday in this house by the Honourable Wendy Smith were misleading. The honourable member was given the opportunity to correct the record, but I will correct it now. It was implied that the date of a drivers licence had been falsified and that it was discovered by Crown Casino. This is incorrect. The fact of the matter is that the identification discovered by Crown Casino was actually a Keypass card, which is a commercially available proof of identification. It was not a drivers licence and not a learners permit. The honourable member did not suggest that this card should be removed from the list of authorised proof-of-age documents, but she did suggest that a learners permit should be removed.

There is no evidence that a learners permit has been tampered with to obtain alcohol or get access to licensed premises. It is important to stress that at this stage there is only one known incident, and that is currently being investigated by the police.

The government has no intention of taking precipitate action. We will await the outcome of the police investigations. As I said yesterday, the learners permit

uses the same state-of-the-art technology as drivers licences. The date of birth is clearly identified, and it is accepted along with other proof-of-age documents such as an Australian or any other passport. Any evidence of tampering with drivers licences or learners permits would be fully investigated by the police and the relevant authorities.

It is the right of the honourable member to bring these matters to the attention of the house, but she also has the responsibility to ensure that what she says is correct and not misleading. The question remains whether she was motivated by a concern about the falsification of the records or a concern to protect the interest of a commercial operator with a commercial concern in a learners permit being accepted as a proof-of-age document.

MOTIONS TO TAKE NOTE OF ANSWERS

Commonwealth Games: MCG redevelopment

Hon. K. M. SMITH (South Eastern) — I move:

That the Council take note of the answers given by the Minister for Commonwealth Games to questions without notice asked by honourable members relating to the redevelopment of the Melbourne Cricket Ground.

Have a look at the minister scuttling out of the chamber, not having the courage to stay in here and debate the issue! He does not have the answers and he has no courage. It was not like that when he was playing for Carlton. I asked the minister a simple question and he could have given me a yes or no answer but he gave me no answer.

The government will have the greatest debacle of its life at the Melbourne Cricket Ground (MCG) because it does not have the courage to stand up to the unions, and neither does the Minister for Commonwealth Games. Do you know why? Because the unions are the mates of the government and it will do anything to protect them. The federal government wanted to contribute \$90 million to the MCG redevelopment and what did this government promise? Absolutely not one cent, not one brass razoo, until it was faced with the fact that the unions would be under some scrutiny on the MCG site.

We want to see it go ahead. We do not want to have it as a half-finished establishment when the Commonwealth Games are here, and to have people from around the world coming to Melbourne to have a look at the control the trade union movement has over the Victorian government — and that is exactly what it is. The Victorian government does not have the courage

to stand up to the unions anywhere along the line. It accepted the application of the Workplace Relations Act, the code and the guidelines, but is not prepared to allow commonwealth officials to go onto that site so they can keep their eye on any disputes that may arise and adjudicate when there is a problem. Why? Because the government's union mates control it, and it does not want to allow them to lose that control because they are the ones that finance and vote for the Labor government — and they are the ones that the government supports.

Hon. Kaye Darveniza interjected.

Hon. K. M. SMITH — Ms Darveniza, you're as bad, with your nurses and the rest of them.

Honourable members have to remember that the Construction, Forestry, Mining and Energy Union runs Victorian building sites. The opposition knows that it does. We know that it runs the site at Federation Square. We know what a debacle that is. We know how much extra that is costing — it is costing the Victorian public hundreds of millions of dollars —

Hon. M. M. Gould interjected.

Hon. K. M. SMITH — I can outshout you, Minister, and I will if you want to keep going. I can't screech or squawk like you, but if you want to have a screaming match, I'll do it!

Seventy-seven million dollars of Victorian funds are being put into a project that does not need to have any Victorian funds put in. Why? Because the Victorian government wants to protect its union mates from any sort of scrutiny at all by the federal government. The federal government was happy to put \$90 million in. It did not quibble about it; all it wanted was to be able to have the Office of the Employment Advocate there on the site so it could ensure everything went smoothly.

We know how the unions control the Victorian government. We know that the Victorian government admitted its own poor track record, as was reported in the *Australian* and the *Australian Financial Review*, admitting to the Cole royal commission that it, to quote the *Australian*:

... inappropriately let a construction union influence who would be awarded government contracts.

We know that that happened; it was admitted to the Cole royal commission by this government. What an absolute disgrace! It is shameful what the government has done to the Victorian building industry. It should know it costs 20 per cent more here in Victoria to

construct a large building than it does in Sydney — and we know what rip-off merchants they are in Sydney! That is a ludicrous situation, and should not have been allowed.

Hon. M. M. Gould interjected.

Hon. K. M. SMITH — It is all because of you — you were the industrial relations minister, you and nobody else! You were, but even your own government shifted you to one side because you were seen to be weak and impotent.

We worry about the minister — we worry about whether she will survive — but we know that the Victorian building unions have total control here in Victoria, and in a government like hers it will continue. Let's get a new government back and we will fix the unions, I can tell you!

The PRESIDENT — Time!

Hon. KAYE DARVENIZA (Melbourne West) — Again I am very pleased to have an opportunity to make a contribution to this debate because it is very important to this state that we get the Commonwealth Games right, that we have our state prepared and ready, that our venues are in place, that we are ready to welcome the athletes to conduct the games and to welcome the thousands of tourists who are going to come to this state, and that we take this opportunity to showcase Victoria. It is an opportunity that does not come around very often, so we need to grasp it and make the most of it. That is exactly what our government has done. Our government has made a commitment — a commitment to putting on the very best Commonwealth Games that we can. We have committed the funds, we have the committee set up, the budget has already been allocated and increased in this most recent state budget, and work has already commenced.

The problem is the opposition's mates in the federal government who are ratting on their commitments and renegeing on agreements to fund the Commonwealth Games. Why would the federal government commit to \$90 million? Because it is reasonable and is the right thing to do, in the same way that it made a contribution to the Sydney Olympics. These games are not just about Victoria; they are about Australia. It is an opportunity to showcase Victoria but at the same time to showcase Australia. But no, the federal government has ratted on its agreement and renegeed on the deal.

At the eleventh hour we have been told that we have to do more than just abide by the Workplace Relations Act and its conditions. Of course, the opposition

supports the Workplace Relations Act. However, I can see all sorts of problems with it, as can the government, which is why we introduced legislation into this place which the opposition has knocked back and failed to pass.

The federal Minister for Employment and Workplace Relations, Mr Abbott, wants a lot more than just the Workplace Relations Act. He wants provisions over and above the conditions in that act. Why? Because the federal government has not been able to meet its budget this year. It has found itself short of funds and is looking to make savings anywhere it can — looking, looking, looking! It has decided it will take \$90 million out of Victoria and has said, 'Let's grab \$90 million off the Bracks government. Let's take away the funding for the Commonwealth Games'. And what about the Prime Minister? I do not believe Mr Howard is altogether happy with the federal Treasurer, Mr Costello.

Hon. B. C. Boardman — You gave the same speech yesterday!

Hon. KAYE DARVENIZA — You keep asking the same questions time and again, and we keep on telling you the answers! I want to stress this, because yesterday I did not quite get it in as well as I should, so today I will go back there again.

Hon. B. C. Boardman — What a shame!

Hon. KAYE DARVENIZA — It was a shame, and I am feeling that now. Mr Howard is worried about Mr Costello. He likes his industrial relations minister and would like to see him as his heir apparent. He wants to bring him on. Mr Abbott has been doing a lot of the head kicking and the dirty work, so Mr Howard would like to see him anointed as the heir apparent — and this is all part of it.

The Bracks government wants the venues completed, and it can get them completed. We will put in the money that has been withdrawn by the opposition's mates in the federal government — the money that they have ratted on. We will do it anyway. We will do it well, we will do it on time, we will do it on budget, and we will put on the very best Commonwealth Games that this country has ever seen. The government will be proud of them. The opposition will be proud of them and will want to go to see them.

The PRESIDENT — Time!

Hon. R. M. HALLAM (Western) — I am pleased to have the chance to participate in this take-note motion. I begin by extending my heartfelt congratulations to the Honourable Ken Smith.

Honourable members just heard 5 minutes of Mr Smith in his prime — the Mr Smith we have come to know and respect over the years. It was vintage Smithy.

I am intrigued as to why the Bracks government would want to knock back the \$90 million on the table from the commonwealth government when, as I understand it, the only condition of that \$90 million was that the rules to apply on the site would be exactly the same as those that apply on every other site that operates under the same conditions across the nation. I am sorry that the last speaker has just left the chamber, given the challenges just put to us a moment ago. From what has been said in the debate thus far I am not sure precisely what it is that the Bracks government is afraid of in the conditions. We are told that all that is required by way of a tag to the \$90 million is access to the site by the Office of the Employment Advocate. Why is that such a challenge?

I again make the point that I am intrigued as to why the government would want to look a \$90 million gift-horse in the mouth, because in my view there is every reason to suggest there should be strings attached to that grant. Honourable members should remember — and it may be a valuable lesson for the new Bracks government — that we are talking about an allocation from the public purse. Governments, wherever they are formed, have a fiduciary responsibility to the taxpayers of the nation, and it is appropriate that they accept full responsibility for the terms and conditions of any grant, but particularly a grant of \$90 million.

I want to refer to a different issue. My real concern is the extent to which this government continues to make up the rules as it goes. We have a budget in front of the chamber now that has not been signed off. However, before we even get to finish the debate, a minister of the Crown is out in the marketplace offering additional funding. What is more, he is not able to say where the funding shall appear in any budget, much less the one we are considering now. It is pretty clear from what was said this morning that he did not know about it. He probably read it in the papers, as I did, and, I suspect, so did the Treasurer. That makes an absolute mockery of the entire budgetary process.

When the professed lead minister for the Commonwealth Games, the Honourable John Pandazopoulos in another place, came before the Public Accounts and Estimates Committee I asked him about the \$600 000 which does appear in the budget in respect of the Manchester games. In his explanation he volunteered that the budget we are now considering is to be supplemented before we get to the end of the year.

I wonder what sort of a process we are actually involved in if we have here a budget which, by definition, is not finalised. I suggest we send it back to the boffins who were responsible for its construction and get them to finish the job.

We are told that this item is too hard to finalise because it happens to be the Commonwealth Games. What is so different about the Commonwealth Games? Isn't responsibility for the Commonwealth Games exactly the same as every other responsibility that falls within the path of government? 'No', the government says, 'we can't finalise that until we go to Manchester to see how they are doing it'. What a load of rubbish! The government should be able to frame a budget. It should know precisely what it is prepared to offer the games from the public purse and it should put it on the hogshead — put it on the barrel! — and let everyone see.

The responsibility for these games is exactly the same as the responsibility that should be applied to the \$90 million. The government should be able to say to the public of Victoria, 'This is how we are going to use your hard-won tax dollars'. I am absolutely embarrassed that this government is prepared to bring a budget before the chamber and to then admit — before we even get to finalise the discussions on it — that it is not finalised and that it will go back for supplementation because the line item for the Commonwealth Games was just too hard to anticipate.

What sort of a minister do we have here if he cannot even decide what he wants from the public purse to run the Commonwealth Games? It is no wonder the government is in total disarray. I am not surprised the government knocked back the \$90 million, and I wonder where the \$77 million to replace it in part will come from. Opposition members are entitled to ask this government to put those issues on the line. I want the minister to come clean and tell us where the \$77 million is to come from.

Motion agreed to.

Teachers: recruitment

Hon. ANDREW BRIDESON (Waverley) — I move:

That the Council take notice of the answer given by the Minister for Education Services to a question without notice asked by the Honourable Andrew Brideson relating to the employment of unqualified and untrained teachers.

I will start off by saying I was pleased to hear that at least the minister is investigating the shortage in the supply of teachers in certain subject areas, being music,

mathematics, information technology, languages other than English and science.

An article in this morning's *Herald Sun* refers to the fact that the government wants to employ 900 teachers who will be without formal teaching qualifications and who may be recruited as part of the scholarship-plus program which the government wants to institute. I hope this program will be very successful; it will need to be a lot more successful than the government's previous recruitment program.

In November last year the Auditor-General released a report on teacher work force planning in which he said:

A critical prerequisite for achieving the government's objectives is the availability of appropriately trained and qualified primary and secondary teachers for all Victorian schools.

I emphasise 'appropriately trained and qualified'! The intention of this government seems to be to go ahead and employ unqualified and untrained teachers. Students in our schools deserve better. Parents in our schools deserve better. As I said previously, the five former teachers in this house — I am sure Mrs Carbines, as a mother and a teacher, would agree with me — would not want their children being taught by untrained and unqualified teachers.

To be a competent teacher one needs not only to have the knowledge and skills of the subject taught but also to have done teacher training in psychology and child development, to have an understanding of how children learn and to have completed some pedagogical studies. It is incomprehensible and abhorrent to all of us on this side of the house that this government would even contemplate employing untrained and unqualified teachers. The proposal flies in the face of what the government has announced it wants to do in the preschool area. It wants to employ a lot more trained and qualified preschool teachers to assist in the education of preschool students, yet it is quite happy for those children to progress into primary and secondary schools and be taught by unqualified teachers.

I will give the minister a simple piece of advice and suggest that she have a look at the situation the government has put itself in by employing 4380 additional public servants who are essentially non-productive. While they may be doing a good job pushing pens and counting dollars et cetera, they are really not doing anything as productive as they might have been doing had they been employed as qualified teachers.

The imposition of unqualified teachers on schools will have a detrimental effect not only on students but also on the morale of school staff members. We do not have any details from the government on how this proposal is to be implemented, and we do not know what the impact will be on current classroom teachers who are to be given the onerous burden of not only supervising unqualified and untrained teachers but also presumably playing a large part in their training. One of the main tenets of good teaching is that teachers must love children, must love learning and must not only enhance the knowledge of children but also inculcate in their students a real love of learning. This can be done only by teachers who undergo appropriate training and obtain appropriate tertiary qualifications.

I trust the government will take on board the views expressed by Mary Bluett and the Australian Education Union. I repeat what I said earlier during question time: the teachers union will not and cannot accept this proposal which, as far as the union is concerned, is doomed to failure.

Hon. E. C. CARBINES (Geelong) — I am very pleased to rise in the house to speak about education, because education is the Bracks government's no. 1 priority. It has been investing very heavily in state education in Victoria. It has reinvested in state education because it knows that is a deep commitment to the future of this state.

I am disappointed that the Honourable Andrew Brideson has sought to misrepresent in this house the government's intentions regarding teacher recruitment. By his own admission he did not have any details of the proposal. I am very pleased to speak about the proposal this morning and elucidate it for him. Of course, the Honourable Andrew Brideson was part of a government that absolutely decimated state education in Victoria, and I know that opposition members are very sensitive when they are reminded about the removal of 9000 teachers from the state education system.

I noted with great interest the Honourable Bill Baxter's comments yesterday. He was very prickly when he was reminded that the Kennett government of which he was a coalition member closed over 300 schools. This government will continue to remind this house of those dark statistics from the Kennett era because they wreaked havoc in school communities. There was no consultation about closures and staff reductions; it demoralised the teaching profession. Not only that, but the Kennett government gagged school communities from speaking out against these policies. That gag was very much in place when I was a teacher in the state

school system under the Kennett government, so I speak from a position of knowledge about what that government did to state education in Victoria. It is to their shame and will never be forgotten.

The Kennett government demoralised the teaching profession. The Bracks government has already employed over 3000 additional teachers in our schools and this has made a positive difference to the education of our students. It has reduced class sizes and eased teacher loads. In the recent budget the government has announced the employment of a further 900 teachers and that is welcome news for our schools.

The teacher shortage was brought about by the Kennett government. We have already said that 9000 teachers were removed from the teaching profession — taken out of primary and secondary schools across this state. The Kennett government downgraded the teaching profession so much that graduates were not interested in becoming teachers. Why would anyone want to be a teacher during the Kennett era; why would anyone want to take on that job when the Premier continually harassed teachers, spoke negatively about them in the media, demeaned the profession, reduced their working conditions and exploited the children in state schools?

We are now paying the price for policies implemented in the Kennett government era. The recent federal budget allocated no funds for the creation of additional university places for the training of teachers, so Victoria is faced with a difficult problem. The government has put in place a teacher graduate recruitment program that has already become successful. I have been pleased to talk to many teacher graduates in Geelong. My daughter was taught by one of these graduates over the last year. They are fantastic young people who are now positively engaged in the teaching profession and are keen to get back into schools now that they know they have a government that cares about education.

The government is investigating new measures in the face of a severe teacher shortage. It is exploring strategies, such as those employed in the successful nursing recruitment campaign, to get teachers who were jettisoned by the Kennett government back into the teaching profession. It is even looking at overseas recruitment. This morning the Minister for Education Services talked about the possibility — and that is all it is — of enhancing teacher training opportunities. The government has not determined to implement the scholarship-plus program — it is simply being discussed. The launch yesterday by the minister of the Victorian Institute of Teaching was an opportunity to re-engage in the debate about teacher recruitment. While the government has some recruitment measures

in place, other measures are simply being explored at the moment and the scholarship-plus program is one of those.

The PRESIDENT — Time!

Motion agreed to.

Fishing: enforcement policy

Hon. C. A. FURLETTI (Templestowe) — I move:

That the Council take note of the answer given by the Minister for Energy and Resources to a question without notice asked by the Honourable C. A. Furletti relating to enforcement funding.

I note that the minister scurried out of the chamber, as did her colleagues and other ministers, not being willing to hear the realities and in this case to be reminded of this minister's attitude to the people of Victoria and in particular to this house which she treats with utter contempt in her response to questions put to her.

I am keen to put on record for the third or fourth time the government's and this particular minister's utter disregard for the charter which it signed with the people of Victoria with respect to providing honest and straightforward answers to questions without notice in this place. This is the third occasion on which this minister has been caught out on questions without notice: firstly with respect to the pipeline in western Victoria; and earlier this month with respect to the third terminal at Westgate when within half an hour of the question being put and the minister deferring and seeking to avoid providing any answer to a fairly straightforward question, she put out a press release directly on point. She is now avoiding the question of cost recovery from abalone licence holders for the funding of the government's much-vaunted \$3.4 million per annum ongoing enforcement procedure.

Let us remind the house of the minister's answer to the Honourable Peter Hall's question last Tuesday when she said:

... there are no proposals under consideration by the government or myself at this time ...

She went on to repeat:

... there are no proposals under consideration at this time.

I thought that was a bit strange because I had a letter from one of the industry associations saying that it had been informed by Fisheries Victoria that it was intended to introduce a new system of cost recovery

from the abalone sector commencing next year — not in three years time, not in four years time, not after the \$14 million that had been allocated in this year's budget had been expended, but next year. So I thought it was appropriate to ask the minister to clarify the answers she gave to the Honourable Peter Hall last week and in particular to make it clear for those who are involved in the industry what they could expect. Guess what? The minister did the greatest backflip since who knows when because she said, 'Talks are going on and we will be consulting'.

When it comes to believing the minister, the abalone divers association or Fisheries Victoria as to what will happen to the abalone industry next year, and given the minister's track record in this place, I am obliged to accept the version of Fisheries Victoria. I fear that the approximately 70 abalone licence holders will stare in the face of an impost of something approaching \$50 000 a year in recoupment costs for the enforcement program that the government has been vaunting so strongly over the last 6 to 12 months.

The issues are so ridiculous that it is worth my referring to the honourable member for Gippsland East in the other place, Mr Ingram, and his contribution to debate on the marine national parks legislation. He said that in the past 12 months no fuel has been put in the patrol boat of the fisheries officers at Mallacoota. This is a disgrace on the part of the government, because not only is it misleading the public and the abalone industry but it is seeking to hide the plans to tax further those in the industry whose businesses have been very well managed and who have played the game very carefully. Those operators are very conscious of their responsibilities, yet had pressure not been brought to bear in this place by the Honourable Peter Hall and me today the minister would have hid behind the secrecy of this place and refused to admit that the government intends to impose another tax.

The PRESIDENT — Time!

Motion agreed to.

QUESTIONS ON NOTICE

Answers

Hon. M. R. THOMSON (Minister for Small Business) — I have answers to questions on notice 2431, 2680, 2811–16, 2924, 2932–3, 2939–40 and 2948.

Hon. E. G. STONEY (Central Highlands) — I inquire about progress on my questions 2842–80

inclusive. I queried progress on answers in the house all last week and yesterday, but with no result. I am inquiring how it is going because clearly the government has breached the rules of the house.

The PRESIDENT — Order! The house has before it a motion in relation to those particular questions, which is listed on the notice paper as item 1 of business to take precedence. The minister has produced some answers to questions, but presumably not the ones about which Mr Stoney is inquiring. The house has before it the means to take the matter further, if it so wishes.

Hon. C. A. Furletti — On a point of order, Mr President, the purpose of asking for progress on those questions on notice is to save the time of the house so that possibly it will not need to debate the issue subsequently later this day. It would assist the house if the minister has information; if not, the opposition will take whatever course it needs to.

Hon. M. R. THOMSON (Minister for Small Business) — I have no further information available to the house at this point in time.

Hon. ANDREA COOTE (Monash) — I welcome the answers I did receive, but three more asked by me have yet to be answered. They are 2921–2 and 2933. As has the Honourable Graeme Stoney, I too have sought explanations previously. A motion in my name is on the notice paper, and I would like an explanation of what is happening with the answers to those questions.

The PRESIDENT — Order! Yesterday explanations were sought, and in relation to those matters I gave a ruling that a sufficient explanation had not been given. There is no further information before the house. The house will proceed to the motion in the name of the Honourable Andrea Coote, which would be due to be moved after the house has dealt with general business.

Hon. D. McL. DAVIS (East Yarra) — Further on that matter, Mr President, I have received answers to questions on notice. I, too, have a notice of motion in my name on the notice paper in relation to questions 2343 to 2350. In the spirit of cooperation and I suppose in a last-ditch attempt to get some assistance from the government and save the time of the house before the moving of a motion, I seek an update from the minister on those important questions that date back to 11 October 2001 concerning legionnaire's disease audits in public sector buildings.

Hon. W. R. Baxter — They have been outstanding for 12 months.

Hon. D. McL. DAVIS — That is a long time and I am looking for an update.

The PRESIDENT — Order! The minister has already told the house she has no further information. The house will now spend 2 hours on items of general business. In that time presumably something else could appear, in which case before those motions are moved or as they are being moved whichever minister is handling the matter can advise the house that the information is or is not available. I do not think the house can take it further than that, but the government has 2 hours to sort that matter out.

BUSINESS OF THE HOUSE

Sessional orders

Hon. M. R. THOMSON (Minister for Small Business) — By leave, I move:

That so much of the sessional orders be suspended as would prevent new business being taken after 9.00 p.m. during the sitting of the Council this day.

Motion agreed to.

PETITIONS

Commonwealth Games: athletes village

Hon. G. D. ROMANES (Melbourne) presented a petition from certain citizens of Victoria praying that the Commonwealth Games village be located on a suitable site such as Docklands; that the heritage Royal Park Hospital buildings be restored for community use or a mental health training education facility; that the surrounding parkland on the 20 hectare site be reintegrated with Royal Park; and that the Royal Park Hospital site be retained in public ownership (118 signatures).

Laid on table.

Insurance: public liability

Hon. E. J. POWELL (North Eastern) presented a petition from certain citizens of Victoria requesting that the Parliament of Victoria take whatever urgent action necessary to provide relief to community groups and businesses requiring affordable public liability insurance (1003 signatures).

Laid on table.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Fisheries management

Hon. E. G. STONEY (Central Highlands) presented report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

Hon. E. G. STONEY (Central Highlands) — I move:

That the Council take note of the report.

I am most pleased to present the *Inquiry into Fisheries Management* report to the Parliament. The report marks the end of a two-year inquiry into fisheries management by the committee, and honourable members will recall that the first report was tabled last year. That report dealt with fisheries co-management arrangements.

The second report looks at managing fisheries to ensure they are sustainable and that fisheries resources are shared equitably. We have made a strong point of speaking to those involved. We have spoken to fishermen and people in the fishing industry throughout Victoria. We took evidence from some 87 witnesses and received over 100 submissions.

In undertaking the second part of the inquiry we focused on some of the main issues facing the Victorian rock lobster and abalone industries, and concentrated on quota management and illegal fishing, which was mentioned earlier today. We took much evidence on how the introduction of quota management has created an enormous amount of anguish among fishermen and in the industry generally, but we did conclude that quota management does offer long-term benefits for fisheries, including the sustainability of catches and the efficiency of fishing operations. The report recommends that assistance be made available to rock lobster fishers disadvantaged by the quota allocation process.

We received an enormous amount of evidence on illegal fishing, and we found that the poaching of abalone in particular was blatant and involved organised crime syndicates. The committee has made some strong recommendations on how this can be tackled, including the establishment of a special-purpose squad by the Chief Commissioner of Police, and the creation of a flying squad of specialist fisheries officers.

With respect to sustainable fisheries, the report stresses the importance of more and better information on fish stocks, and it recommended that the scope of fisheries assessment reports be expanded to cover by-catch and ecosystem effects.

Something close to my heart and about which I have been passionate for a long time is how we handle our inland fishing waters. In my opinion the potential of our inland fishing waters has been ignored for some years. The committee found that there are differences of opinion about whether inland trout streams are self-sustaining. There are very strong opinions both ways as to whether some of these mountain streams are self-sustaining with trout. We recommend that additional research and active management be undertaken for Victorian trout fisheries. We recommend that Fisheries Victoria carry out regular population surveys of inland waters in regard to trout.

The committee has recommended that waters where popular native fish do not readily survive and are suitable for trout be actively managed, including by being stocked on an ongoing basis for recreational trout fishing. In relation to some native fish, the report also recommends that upper streams be identified with the balance managed to maximise recreational fishing activities. That is a strong recommendation and a strong thrust of the report.

The committee supported the concept of cost recovery. It also concluded that the principle of royalties was appropriate for commercial fisheries. I thank Brad Miles, the committee's executive officer; Ric Fallu, Ross Winstanley, Gina Smith and Marion Pilley; and the committee's general office, which has been a great help in producing this comprehensive report.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Melbourne City Link Act 1995 — Orders in Council of 28 May 2002 decreasing the Project Area pursuant to section 8(4) of the Act.

Ombudsman — Report on Matters arising from the Office of Gambling Regulation investigation of International Gaming Technology, April 2002.

Psychologists Registration Board — Report, 2001.

Rural Northwest Health — Report, 2000–01.

Statutory Rules under the following Acts of Parliament:

Fair Trading Act 1999 — No. 39.

Supreme Court Act 1986 — Nos 36 and 37.

Supreme Court Act 1986 — Administration and Probate Act 1958 — No. 38.

Subordinate Legislation Act 1994 —

Minister's exception certificates under section 8(4) in respect of Statutory Rules Nos 36 to 38.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 39.

West Wimmera Health Service — Report, 2000–01.

Ordered that Ombudsman's report be printed on motion of Hon M. M GOULD (Minister for Education Services.

VOLUNTEER PROTECTION BILL

Second reading

Hon. P. R. HALL (Gippsland) — I move:

That this bill be now read a second time.

Volunteers form the backbone of community organisations in the state of Victoria. Volunteerism is one of our great egalitarian traits. The current crisis arising from the spiralling cost of public liability insurance premiums threatens the concept of volunteerism and those tens of thousands of volunteers who selflessly contribute their time, effort and personal resources to causes which they respectively regard as being important

Throughout Victoria and indeed across Australia endeavours are being made in a number of ways and a variety of forums to identify the specific reasons why public liability insurance premiums have increased in such spectacular fashion as has recently been witnessed. Despite proposals being advanced by a number of parties, most particularly the Victorian National Party, no course of action has been decided upon to address the issue. In the meantime, numerous community organisations, volunteer groups, small businesses and other enterprises and activities whose function is dependent in part upon securing public liability insurance, are threatened with disaster. The harsh reality is that many have already ceased to function and that many others are faced with a similar outcome unless this crisis is addressed immediately.

The present difficulties are impacting directly upon volunteers and volunteerism. Many volunteers are fearful of being the subject of a civil action in negligence arising from accidents or incidents which may occur in the course of their providing their services. Apart from the personal concern in the minds

of volunteers, there is the consequent impact upon those organisations dependent upon volunteer contributions since those entities are unable to attract volunteers who, very understandably, are concerned as to their own welfare, both financial and otherwise, should they be sued.

This bill addresses the concerns of volunteers.

The main purpose of this bill is to protect volunteers performing community work by limiting personal liability for acts or omissions causing injury, loss or damage and furthermore to encourage community service.

The thrust of the bill is to provide an immunity from civil actions which might otherwise be brought for damages for injury, loss or damage against a volunteer for any negligent act or omission, trespass, nuisance or breach of a duty arising under statute which occurs after the commencement of the act and which arises out of or in the course of community work being performed by that volunteer.

Community work is broadly defined to encompass those many forms of activities and pursuits which are the usual focus of the work of volunteers.

This bill will have particular application in country Victoria. It is in the country regions across the state that volunteers and volunteerism are most usually to be seen. Many country communities would simply cease to exist if it were not for the contribution of their volunteer organisations and the people who enable them to function. This bill will give protection to those people and organisations in a way which they have long sought and which has of recent times assumed even more significant proportions because of the crisis concerning public liability insurance.

I wish to make a statement pursuant to section 85 of the Constitution Act 1975. It is the intention of section 4 to preclude civil actions in the Supreme Court whereby damages may be sought for the consequences of those events set out in the section. The reason for limiting the jurisdiction of the Supreme Court with respect to these matters is to ensure the application of the immunity which is created under the terms of the bill.

I commend the bill to the house.

Debate adjourned on motion of Hon. GAVIN JENNINGS (Melbourne).

Debate adjourned until next day.

FORESTS LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 5 June; motion of Hon. C. A. FURLETTI (Templestowe).

Hon. GAVIN JENNINGS (Melbourne) — I respond to this private members bill, the Forests Legislation (Amendment) Bill, by stating straightaway that the government will not be supporting the bill. I will outline at some length in my contribution the history of forest operations and the government's desire to ensure that the timber industry operates on a sustainable basis into the future.

The government is opposing the bill because it believes that its worthy intentions will not necessarily be satisfied by the limited scope of the bill or by the way it has been put together. Indeed, we believe some additional scope is required in any legislation designed to amend the Forests Act and the forest operations in Victoria in order to ensure that activity in Victorian forests is on a sustainable basis; and we believe this private members bill fails that test.

The bill deals with safe working practices within the forest, and the government is prepared to do some work to develop a legislative response to issues that have generated some conflict within Victorian forests and try to find a way in which safety can be guaranteed and peaceful activity allowed to take place with right of access to Victorian forests. The government will respond to that challenge and develop a response.

In my contribution I indicate to the house that we should be mindful of when this debate is being dealt with by the Parliament. I am certain that in their contributions members of the opposition will tell the government to bring on this urgent matter and not delay further consideration of the bill, but I point out to the house and the Victorian community that we are debating this matter on the second-last sitting day of the Legislative Council, and the Legislative Assembly has already gone into the winter break.

Hon. W. R. Baxter — That is not the opposition's fault.

Hon. GAVIN JENNINGS — The opposition did not present this bill to the Parliament until last week.

Hon. W. R. Baxter — Because you said you were going to fix the problem.

Hon. GAVIN JENNINGS — The interjections from members opposite clearly show that their entire desire in this exercise is to play cheap political games. They knew there would not be an opportunity for this legislation to be enacted this sitting, but there was no desire on the part of the opposition to bring this forward in any shape or form — —

An honourable member interjected.

Hon. GAVIN JENNINGS — Talk about false hope — that is the nature of the contribution of the opposition! It is interesting that in a full, Freudian, frank admission members opposite recognise that they are trying to pull a cheap political stunt at the end of the parliamentary sitting when there is no capacity for the bill to be considered by the Legislative Assembly, no capacity for it to proceed.

Hon. Philip Davis — Bring the Assembly back!

Hon. GAVIN JENNINGS — The government opposes this legislation and will continue to oppose it. The government believes the bill does not even satisfy the objectives set down in its preamble. That is a prime reason the government opposes this private members bill.

I will outline to the house and the Victorian community the net effect of passage of this bill, because I anticipate that this conservative-dominated chamber will impose this piece of legislation on the Parliament by agreeing to it later this morning. The bill will play no positive role in resolving many of the contentious issues facing the timber industry in Victoria and it will not provide the greater certainty it purports to provide.

It is worthwhile for the house and the Victorian community to understand the nature of the problem confronting our community, the environment and the timber industry in restructuring at a time when the availability of timber resource from the Victorian forest has been reduced and when severe restrictions will continue to be placed on access to this resource in years to come.

I would like to outline the history of how this current circumstance has come into play. I will begin this history by going back to the establishment of the notion that underpinned the timber industry strategy developed in the 1980s. That strategy attempted, for the first time in a meaningful way, to start addressing the issue of what sustainable access to Victorian forests meant. Over time the scope of that strategy was proved to be incorrect in terms of making reasonable projections about how much timber should come out of Victorian forests.

However, I would like to remind the Parliament of the value of the thinking that underpinned that timber industry strategy, even if the mathematics failed it over the years. The theory was that Victoria would introduce a comprehensive reserve system that would guarantee biological diversity and that a representative set of natural values in the Victorian environment would be protected in the years to come. Within that thinking a significant emphasis was placed on the establishment of national parks and state parks throughout Victoria. In terms of access to the state forest, applying this standard meant that about 85 per cent of the timber that may have otherwise been available for forest use was placed within the reserve system.

We saw a number of significant national parks established by this Parliament by successive administrations — both coalition and Labor — in the 1980s. The theory that applied to sustainable forest activity beyond that park system was to say that in state forest areas outside national parks — which comprise about 15 per cent of state forest in Victoria — there would be access to a defined volume of the timber available for harvesting purposes. That was based on an assessment of the sawlog use of that timber. The original theory underpinning the timber industry strategy was that it was supposed to be sawlog driven and the allocation of timber would be based on a sawlog allocation.

The notion of what formed sustainable yield was an assessment of how much timber was available applying a harvesting regime on an 80-year rotation: access to state forests was determined by how much timber could be regenerated every 80 years if the timber industry had access to that volume of timber. A number of constraints were placed on the way timber could be harvested, including the total forest practice, which was designed to introduce controls over the way timber was extracted and habitat was protected in terms of protection of water catchments. Once there was recognition of the need to protect areas of forest and manage state forests on a sustainable basis, these issues made it clear that the original estimates of the amount of timber available were gross overestimates.

A number of other problems befell the timber industry that related to the access to forest material that ended up being woodchipped. As I said, the original assumption of the timber industry strategy was to provide the industry with access to sawlogs. In obtaining that level of sawlog activity it was very clear that the clear felling practices that applied throughout the state, and the standard clear felling operations that applied throughout the nation, generated a high volume of material that was left on the forest floor. Eventually there were

commercial pressures from the industry to gain access to this material for woodchipping purposes. During the early 1990s there was an escalation of concern in the Australian community that access to woodchip material was driving the volumes of timber that were taken from Victorian forests, and indeed Australian forests, way beyond what would have been economically viable had the original proscription of a sawlog-driven industry prevailed.

Hon. P. R. Hall — Do you believe that is the case?

Hon. GAVIN JENNINGS — There is some evidence which suggests that that conundrum has not been resolved to the present day. This problem was exacerbated during the period of the Kennett administration when the connection between the sawlog licences and woodchip licences was severed and it was possible for woodchip allocations to be provided to different companies from those that removed the sawlog material from the forests. So this conundrum of whether sawlogs or woodchips drive the industry was compounded.

There is a raging debate in our community, and the economics of the situation have been clouded by successive administrations, in relation to the real costs of the extraction of timber from our forests, in relation to the degree of what is in effect cross-subsidy to licence-holders and in relation to the degree of transparency about what is paid for timber extracted from forests. That is a problem that this government recognises has still not been totally resolved. It is an issue that we need to address in measures that I will outline to the house later.

A number of regulatory methods were adopted by state and commonwealth governments to try to address this matter. During the 1990s we saw the development of what are known as regional forest agreements (RFAs), which form the basis of understandings that apply between the federal government, the state government and regional communities about the way timber activities will take place within designated regions. The notion that underpins those understandings and the nature of the agreement between the federal and state jurisdictions is that the commonwealth government is required to provide approvals through national environmental protection legislation, and because it is the body that is required to grant export licences for woodchip material it has a regulatory role in ensuring that its environmental standards are protected.

The understanding the commonwealth has reached with the state jurisdiction is that state governments are responsible for land use management practices.

Through the RFAs there has been recognition in terms of the environmental requirements of the commonwealth that if there are state-based planning systems and environmental standards that satisfy the commonwealth's expectations then the state's jurisdiction will satisfy the commonwealth requirement. Indeed, that is the nature of the RFAs that apply in Victoria — that is, the commonwealth defers to Victoria's environmental standards, forest management practices and decisions on land-use management.

The process that has been developed and maintained through the RFAs is under challenge by the nature of the private members bill before the house because the bill would change those jurisdictional arrangements and have an impact upon state sovereignty in relation to land use planning and environmental approvals in a way that has not been the case with the existing agreements. The RFAs involve consultation between the state and the commonwealth and with local communities and the timber industry, but they have a bit of a vexed history in providing access and opportunities for those on the green end of the spectrum of the debate to enter into their establishment and maintenance and have been contentious instruments within the Australian forests area for the last 10 years.

Despite what perhaps may have been a laudable intent of trying to reach longstanding agreements about access to forestry activity, RFAs have not been successful by and large in providing certainty and long-term protection to either the forests and their habitat or to workers and operators in the timber industry.

Coming into government, we were faced with the renewal of the Gippsland and western region forestry agreement. The one thing that was fairly clear from the view of all stakeholders at that time was that the figures that underpin sustainable yield in those regions across Victoria were seen as dubious and unreliable. Indeed, in the continuum of this debate — from the industry right through to the environmental movement — concerns were raised about the quality of that data.

Hon. P. R. Hall — But the government signed off on it.

Hon. GAVIN JENNINGS — To take up the interjection of Mr Hall, yes, the government did sign up to the agreements and we acknowledge responsibility for that action and what has transpired since.

We undertook a review of the long-term sustainable yield figures that underpin those agreements and we have come up with the assessment through an independent process that we were wrong. We

voluntarily said we were wrong in terms of the transition that this government is trying to bring to the timber industry. We acknowledge that those figures were wrong. We have not spent a lot of our time apportioning blame for the reasons why those figures were wrong, but the cumulative effect of environmental management practices, standards of operation, the code of forest practice, and even the cost of timber extraction from the forests on the industry side meant that there was a huge overestimation of the availability of timber.

My colleague the Minister for Environment and Conservation in the other place commissioned a review headed by Professor Jerry Vanclay, Professor of Sustainable Forestry at Southern Cross University. He chaired a reference group to ascertain what would be the sustainable yield figures across Victorian forests into the future, based upon 80-year rotation of those areas of forests that were available beyond the reserve parks system. We were dismayed to discover that the average reduction needed across the state was 31 per cent. This varied across the state —

Hon. J. M. McQuilten — In the Wombat, how much was it?

Hon. GAVIN JENNINGS — In the Wombat Forest, Mr McQuilten, it was 80 per cent. In fact the sustainable yield figure that applied in the Wombat Forest was 42 000 cubic metres annually and that figure was shown to be, on a sustainable basis, 8000 cubic metres — a dramatic and drastic problem that this government believes needs to be addressed.

Indeed, even that significant problem of the reduction required in sawlog activity is compounded by the quality of the forest that remains in the Wombat, in the midlands region, and the low yield of sawlog timber compared with woodchip residual timber in the forests. The argument about the economics of what drives timber activity is acute because the volume of woodchip material compared with sawlog timber may be as high as 10:1. Obviously if you are going into forests that have only a small sawlog yield capacity and on the way through you are extracting 10 times the amount of timber as is used for woodchip activity that is a severe and acute problem that the government acknowledges and has taken some measures to address.

In various regions across the state there has been a similar effect. We estimate that in East Gippsland there needs to be a 50 per cent reduction and in central Gippsland a reduction somewhere in the order of 25 per cent is required.

These are big, painful decisions that have not been taken for 20 years or more. It is very significant, and the government recognises that it is a huge ask for the communities around the state, particularly in Gippsland, to address the cost of transition from that degree of timber activity. For the past two decades it has been very difficult to identify alternative sustainable economic activity in those small towns that have traditionally relied upon sawlogging. This is a major challenge confronting those communities and the Victorian government will not shirk its responsibility of facing up to it.

We have introduced a number of ways to try to address that challenge: by providing an \$80 million package over four years to pay for the transition costs for the industry itself in buying out licences over time and providing new training and employment opportunities for workers in the industry. That is being administered and monitored by an industry transition group that worked for the Minister for Environment and Conservation through the Department of Natural Resources and Environment.

We also acknowledge the responsibility to those towns to find alternative economic drivers. A ministerial task force, chaired by the Treasurer and of which I am pleased to be a member, has travelled the state talking to local communities about ways in which they can generate new economic activity either in tourism, by downstream processing of agricultural products or in some cases by natural resource projects that may apply across the state to take up the economy of local communities that may be adversely affected by this significant transition.

There is talk about the need to provide stability for timber activity in the purposes clause to the private members bill before the house. The government recognises that stability is one of many objectives that should be brought to bear in this endeavour. The overriding quality that the government believes should be brought to Victorian forest management practices is sustainability, and it recognises that this is not a static analysis or a static objective piece of information that has an ongoing shelf life. Despite the underlying logic that was developed in the timber industry strategy, time has shown that those assumptions did not satisfy the environmental expectations of our community. Indeed, this agenda has moved on and will continue to move on.

The government has entered into commercial licences with people in the timber industry, and they have every right to expect a degree of certainty about their livelihoods and future access to the resource. They have

made investments and employed people in their local communities on the basis of having what has been guaranteed by licences entered into on a commercial basis — and the state has obligations. Part of the \$80 million transitional package recognises that the state is placing severe restrictions on the availability of timber and licences into the future, and it has an obligation to those commercial realities and an obligation to find alternative employment and investment opportunities. The government will not hide from those responsibilities.

The government believes that the assumptions in the bill do not satisfy even the intent outlined in the purposes clause. One of the reasons it does not believe that operates is because the fundamental premise in the legislation is that if access to an area of timber is denied then an equivalent area must be found. We must go back to first principles here. We are saying that access to Victorian state forests for timber activity occurs outside the national parks system. We are talking about the 15 per cent of Victorian state forests outside the reserve system. Within that 15 per cent one must apply the Code of Forest Practices, protect water catchments, protect critical habitat and ensure that whatever activity takes place within those state forests, environmental values are protected when they are identified.

Hon. P. R. Hall — How far do you go? That is the question.

Hon. GAVIN JENNINGS — That is a question. What I am getting at is that the available timber within an entire forest region is made available on the basis of — and applying all those standards — being regenerated every 80 years. The notion is that if, because of the implication of those various restrictions and environmental management practices, you find that you cannot harvest timber from a certain location, the existing licence regime and regional forest agreement process allow for alternative harvesting sites to be found from the forests that are available for timber activity in areas that already exist. This legislation implies that if an area is removed from a state forest an equivalent area must be found. How can it be found? It is already the existing regime within state forests. It is implied that you go back into the reserve system and take an equivalent amount of an area from the reserve system, from national parks.

Hon. P. R. Hall — What's wrong with that?

Hon. GAVIN JENNINGS — What is wrong with it is that you are turning on its head the original assessment of what is the essential integrity of the park system.

Hon. P. R. Hall — It's all one-way traffic with you!

Hon. GAVIN JENNINGS — I can understand from your community's perspective, and there is a significant timber industry within your community, that it seems to be one-way traffic. Unfortunately I am reinforcing that around the globe history is saying it is one-way traffic. The environment and the community are saying that it is one-way traffic.

Hon. W. R. Baxter — If you are saying you have got the yield wrong, why don't you say you've got the boundaries wrong?

Hon. GAVIN JENNINGS — There has been no evidence put to the government, and there is no evidence that has underpinned this legislation. I will listen to see whether you mount that argument, but I would be surprised if a persuasive argument were mounted to say that the boundaries of the reserve system are wrong and that government should revisit national parks. Clearly I would oppose that on the basis of principle — —

Hon. P. R. Hall — You oppose it on principle, not on logic!

Hon. GAVIN JENNINGS — I will oppose it on the basis of the logic that underpins why the reserve systems are there in the first place. They are there to protect as a critical mass what is important to protect in our natural environment for future generations. As all honourable members would be aware, the method that underpins the creation of national parks is on the assumption that you protect what should be protected and you protect it by providing a critical mass of area that guarantees the viability of the ecosystem in question.

This is a debate we will be having later in relation to box-ironbark because the areas that have actually been allocated to be designated as national park in the box-ironbark forests are very small tight areas. When arguments will be bandied about — —

Hon. W. R. Baxter — Come up to my electorate and have a look and see what you think about it.

The ACTING PRESIDENT
(**Hon. E. G. Stoney**) — Order! I suggest Mr Jennings ignores interjections and moves on.

Hon. GAVIN JENNINGS — Thank you for your assistance, Mr Acting President. I am sure members of the National Party do not mind their arguments being aired and debunked where possible.

Hon. W. R. Baxter — You haven't done too much debunking. Your logic is still wanting.

Hon. GAVIN JENNINGS — You can define these things as one-way streets or you can think about whether you see life as in very narrow tunnel vision and whether you have your blinkers on for every discussion. I will encourage a bit of lateral vision in relation to this exercise, because that is the problem that underpins the private members bill and will obviously be a problem in the contribution the opposition will put in debate because opposition members are not alive to the breadth of their responsibilities in terms of the requirement of Victorian legislation to protect the interests of all Victorians, our environment and the long-term economic viability of Victorian communities. The fact that the opposition is not able to put all those things into peripheral vision is one of the fundamental reasons why its bill is absolutely deficient.

As I have indicated to the house already, what this bill will visit upon us but does not have the gumption to say, and what we are now finding through interjection, is the accessing of the national parks regime and the reclaiming of parts of Victorian forests from national parks.

Hon. C. A. Furletti — Read the bill.

Hon. GAVIN JENNINGS — That is what your interjection said, and that is what Mr Baxter's interjection said. The implication of this argument, if Mr Furletti were honest enough to say it, is to say that the opposition wants to reclaim areas from the national parks regime. That is what he is saying. Mr Furletti has been sprung by the interjections of his colleagues saying that the intention of the bill is to eat into the national parks system and reclaim it.

Hon. Philip Davis — Explain how this bill will do that!

Hon. GAVIN JENNINGS — Mr Davis knows because he was nodding his head when I went through that analysis 5 minutes ago. Go back and read the *Hansard*.

Hon. C. A. Furletti — He was nodding his head in amazement at you.

Hon. GAVIN JENNINGS — No, he wasn't, as a matter of fact. It was a sympathetic look, and I am not used to getting them. I know the logic of my position was being acknowledged by members of the opposition because that is the logic that underpins this bill. That is the logic that the government will not accept.

Let us go back to first principles. If that is not the case, and if Mr Furletti's argument is that if areas have to be found within state forests for access to timber harvesting when an area has been lost through environmental management practices, why is there a need for the bill? There is no need for the bill because that is how the existing licence arrangement works.

Hon. C. A. Furletti — But you do not do it.

Hon. GAVIN JENNINGS — That is exactly what happens. You either withdraw the bill or you will accept my logic.

Hon. C. A. Furletti — If you support it we won't have a problem. You could re-establish some credibility.

Hon. GAVIN JENNINGS — Now that I have a reluctant admission from the opposition about its intent, which it is now in fierce denial of, I will go through the clauses in the bill one by one to indicate which aspects of the logic and thinking that underpin the bill are reasonable and which are unreasonable in the eyes of the government.

The first clause, the purposes clause, provides stability for the industry. This relates to the issue I was talking about a few minutes ago, that the government believes its obligations in this endeavour are broader than just providing stability to the industry. Our first-order issue is to provide a sustainable use of Victoria's resources and to protect environmental values for this generation and future generations. That is our overriding objective. Within that regime we recognise there is an obligation to provide certainty and predictability for those people who invest in Victoria and seek to have ongoing viability of their commercial interests.

We see it in that order, and that is the order that will underpin the legislation that the government prepares on this matter. We agree with the purpose of the clause, which relates to the intent to provide for public safety in Victorian forests. We would be concerned about the degree to which danger occurs to either workers or protesters in the forests, or members of the police force or citizens of the Victorian community. We would be alarmed if that could not be assured, and want to ensure that public safety prevails within all aspects of the Victorian community and the Victorian environment. However, we do not believe the subsequent clauses and the way in which this private members bill addresses the public safety issues satisfy the test that the government would want to apply to those issues, but we are alive to those problems and want to ensure that in our response we address them adequately.

Clause 3 of the bill provides an entree through a reference to the commonwealth minister to matters that have been previously dealt with under the regional forest agreements within the domain of the state jurisdiction. This is a concern the Victorian government had, and earlier in my contribution I outlined that the environmental approvals have been in effect subcontracted out to the state by agreement as the Victorian approvals satisfy the commonwealth requirement, and that land-use policy, the allocation of timber licences and the determination of sustainable yield have been the province of the states. This insertion of the reference in the private members bill to the commonwealth minister in clause 3 would indicate to the government that the intention of the opposition is to try to change those administrative arrangements and responsibilities. The government would be opposed to that change and subsequently opposed to the imposition of the relationship to the commonwealth minister.

I have spent quite some time in my contribution debunking clause 4, which is at the heart of this legislation and which is the advocated method of providing substitute areas for timber harvesting activities where those activities have been denied because of environmental management concerns, the imposition of the Code of Forest Practices or the protection of habitat.

Through debate and interjection we have already found that the only opportunities not currently available to the timber industry to find those alternative areas are in the national parks system. As a matter of principle in relation to logic and environmental protection for this and future generations, the government would say that that approach is unacceptable. As I said, clause 4 is at the heart of this bill but there is a fundamental difference between the government and the opposition parties in the way it would operate.

On a technical matter, clause 4 refers to the Code of Forest Practices that applies throughout Victoria and this amending piece of legislation, which is a private member's bill, does not adequately address the connection between the Code of Forest Practices and the Conservation, Forests and Lands Act. It should be acknowledged by the government that that in itself is not a problem, but the connection of the various statutes that apply to forest management is a problem that the government acknowledges exists.

A number of acts apply to forest management and practices, including the Forest Acts, the Conservation, Forests and Lands Act, the Lands Act and a very cumbersome piece of statute hopping is needed to find the appropriate jurisdiction and the appropriate head of

power to deal with many issues in Victorian forests. It is something the government would like to address in its legislative reform of forest operations.

Clause 5 provides the meat in this private members bill to the issue I have identified in clause 3, which is the imposition of the commonwealth in matters that have previously been the domain of the states.

Hon. J. M. McQuilten interjected.

Hon. GAVIN JENNINGS — It is not an extremely trustworthy citizen about maintaining its level of agreement. The federal government is happy to waltz on agreements when the political weathervane suits it. We have seen that on a number of occasions in relation to state and commonwealth agreements. The federal government sees commonwealth–state relations as very much a one-way street and it does not like it at all when there is a healthy exchange of views on jurisdictional responsibility. The Victorian government is concerned about the imposition of the commonwealth, particularly in relation to matters such as sustainable yield and environmental approvals, in a way that has not previously been the case.

The government is mindful that one aspect of clause 5 has a degree of credibility — that is, the way in which reviews of sustainable yield should take place. Certainly, the view of the government is that wherever you stand in the spectrum of this debate, from the green end to the industry end, the requirement for the sustainable yield analysis that underpins forest activity should be transparent, predictable and as certain as it can possibly make it. By interjection the point was made that this government perhaps entered into some regional forest agreements with its eyes not fully open, thus leading to the commissioning of an independent inquiry about the sustainable yield figures. The government wants to ensure that in the future the standard method to apply will be ongoing reviews to give the Victorian community a degree of certainty on what ongoing access to Victorian forests will be available.

Clause 5 of this private members bill provides that a review cannot take place without the provision of 12 months notice. Soon after signing the most recent RFAs the government became aware of the unsustainability of those committed volumes and the minister immediately commissioned a review across the state. Providing 12 months notice before undertaking a review would place an unacceptable restraint on the government. It therefore opposes the imposition contained in clause 5, although it acknowledges that there needs to be a degree of

transparency, predictability and certainty underpinning those sustainable yield activities.

I will skip on to clause 7, which relates to access and responsibility for areas of the state designated for harvesting activity. It sets out a head of power to provide for clear directions to be made by an authorised officer — whether a police officer or an officer of the Department of Natural Resources and Environment — who will also make enforcement decisions and take action within the forests.

Clause 7 is vague in its definition of authorised officer. In fact, the government believes, given the significant head of power designated to authorised officers, that the private members bill is very weak in defining who is an authorised officer who can make important decisions and take actions that will lead to convictions.

The government notes that the sanctions set out in clause 7 are draconian. The standard penalty of 50 units required by a number of these provisions is an extremely large fine that could be imposed on people who are apprehended under the legislation should it become law. The government is concerned that the sanctions are extremely draconian and that it would be more appropriate to review any that would apply to ensure they are consistent with other legislation, such as the Fisheries Act or other acts where sanctions are applied.

Clause 8 deals with the designation of safe working zones or forest operation zones that can be declared by the Secretary of the Department of Natural Resources and Environment. That determination will provide for areas in which certain enforcement measures can be employed and that certain criminal behaviour will be defined to occur within those areas. Given that this is a critical description within clause 8 the government is not confident there has been adequate consideration of the way those zones will be described by the secretary. The government is concerned whether the provision will be enforceable in the courts and believes that its construction may lead to sufficient doubt in the eyes of the courts that convictions may not eventuate. Even if the government were to agree there was a need to tighten up those arrangements and provide for safe environments in the Victorian community, it does not believe that clause 8 adequately addresses those issues and so opposes that clause.

Despite the fact that the opposition parties may choose not to recognise that it is the intention of the government to face up to its obligations to the environment, to the timber industry and to small towns throughout Victoria that have traditionally relied on

timber activities to ensure an ongoing viable economy and that a social infrastructure is provided to those communities, and despite the opposition's criticism of the government for taking on this significant agenda that has culminated in the development and delivery of the private members bill on the second-last day of the sitting week of this house, which will be trotted out over the winter months so people can make as much political point-scoring and grandstanding as is possible over the winter months, the government — —

Hon. W. R. Baxter — Don't judge others by your own standards!

Hon. GAVIN JENNINGS — I certainly do not. I apply the same standards to my performance as a member of Parliament as I do to the other side. On behalf of the government I have outlined at some length the breadth of its responsibilities to Victoria and to the Parliament. The government will continue to pursue industry transition matters. It will continue to pursue the ministerial task force travelling to Victorian communities to try to find alternative economic activities.

Later in the year the government will introduce a range of legislative responses to these issues and a new regulatory body for Victorian forest operations which will have the dual objective of ensuring both environmental and economic sustainability for the timber industry. Because the government will do it in a way that is more comprehensive and considered than the opposition is doing through its private members bill, the government will oppose the bill before the house today.

Hon. P. R. HALL (Gippsland) — When the Honourable Gavin Jennings announced that the government would oppose the legislation I was most interested in how it would justify that opposition. Given the vast amount of rhetoric the government has espoused about supposedly standing up for and looking after country Victoria and given all the rhetoric that the government espouses about supporting the timber industry I wondered how the Honourable Gavin Jennings would justify the government's decision to oppose this sensible piece of legislation. The government gives no support to the timber industry in country Victoria in its opposition to this bill.

The Honourable Gavin Jennings ran through a number of arguments in his opening address. He said the government would oppose the bill because it was not broad enough or did not encompass enough of the issues; that it was deficient in aspects of the areas, matters and challenges facing the timber industry at this

time. At the outset he said that the government was prepared to do more work on protesters hindering lawful operations in forests. I ask myself why the work has not been done already.

The honourable member also spoke extensively about the timing of the bill. He said it was truly a political stunt. Hypocrisy abounds! How long has the government had to act on this matter? The Premier met with representatives of the timber industry and the unions representing timber workers in February this year on the front steps of this place. He gave a commitment to introduce legislation to provide for greater resource security in the industry. The question I ask is: what has the government been doing since then? The answer is obviously a fat nothing.

The honourable member said the bill would play no positive role in resolving some of the contentious issues surrounding the timber industry at the moment. I inform Mr Jennings that if only one thing comes out of this that is helpful and positive it would be getting the government off its backside and doing something to assist the timber industry. After all, that is what we had to do with the controversial issue of public liability insurance. It was only after the Liberal Party — and this morning the National Party — moved a private members bill about that issue that the government was prompted to get off its backside and attempt to find a solution to the crisis in our community. The timber industry falls into the same category: there is a crisis in the timber industry; it needs resolution; it needs support from government — and to date that support has not been forthcoming in any form.

The Honourable Gavin Jennings went through a brief history of the timber industry. He started in 1986 with the timber industry strategy. Yes, that was the first wholesale review of sustainability in the industry. I place on the record that that timber industry strategy cut available resource in East Gippsland by 50 per cent — that is, half the industry was wiped out by that decision. Since that time reviews have been undertaken by the former Land Conservation Council. We have also had regional forest agreements (RFAs) and more recently the government's review of sustainability yields. On every occasion resource availability has been significantly cut from the industry.

To the credit of the industry it has copped it sweet and in a responsible way. It has accepted some of these decisions in the hope that the industry would have a long-term viable future. I commend the industry for that.

The government criticised the RFAs as getting it all wrong. I said by way of interjection, and I repeat: if, as the Honourable Gavin Jennings said, the government knew that soon after it came to office, when it signed the remaining two RFAs, why did it not institute a review of sustainable yield at that time? Why wait until the last six months and put the future of the industry in jeopardy by not acting sooner on the issue? Today we heard that more than two years ago the government knew there were problems with the sustainability yield figures. It stands condemned for not acting sooner on this matter.

I want to comment on a couple of other matters raised by the Honourable Gavin Jennings. He said there is an ongoing conundrum in the timber industry as to whether it is sawlog driven or woodchip driven. There is no conundrum in my mind — there is one clear answer: the timber industry in Victoria is definitely sawlog driven. You would never make money out of cutting down forests purely for the purpose of taking woodchips. It must be sawlog driven and it is sawlog driven in Victoria — there is no conundrum.

The Honourable Gavin Jennings was right when he said that prior to the timber industry strategy, and more so in recent years, vast amounts of resource were wasted on the forest floor, just left there to rot or burn. Now sensibly we make use of that resource as a by-product of a sawlog-driven industry. There is no doubt in my mind — and my colleagues in the National and Liberal parties would agree — that this is a sawlog-driven industry. It does not rely on the extraction of woodchips — if it did, it would not be economic or viable.

I wish to make another comment on claims made by the Honourable Gavin Jennings. He said that the essential component of the bill, contained in clause 4, was that land that contained adequate and suitable timber resource would need to be found to replace any that needed to be put aside for future conservation purposes. He responded to some interjections. I for one say this: in all matters there needs to be an appropriate balance. You need to have a balance of conservation measures as opposed to resource use measurement in this state. At the moment Victoria has something like 16 per cent of its land mass accounted for in national parks — that is, 16 per cent of the total land mass in Victoria is in national parks. The other is in multiple-use forests, public land and, of course, much is in freehold land.

The National Party says that that 16 per cent is about the right balance of land locked up in national parks for conservation purposes. I pose the question to the government: how far does it want to go? It might find

another reason to lock up another piece of land and increase that 16 per cent to 17 per cent, 18 per cent, 20 per cent or 25 per cent in the years to come. It is all being added to with proposals for box-ironbark forests, et cetera, as has already been indicated by the government. How far do you go? Where does it end? The National Party says that 16 per cent is about the right balance. If the government finds an area that needs to be put aside for conservation purposes it should release alternative areas of public land to support the timber industry. You cannot go on forever increasing the areas of public land locked up in national parks.

The Honourable Gavin Jennings also makes the point that perhaps the sustainable yield figures were wrong in the past. I agree. The work being done at the moment tells us that in the past the sustainable yield figures were wrong. Equally, park boundaries, whether they be national parks, state parks or conservation reserves, could be wrong. Once you lock something into a defined area of land category there is no sensible argument to suggest that should be the case forever and a day. What is wrong with revisiting areas of land and looking at their environmental and resource values? We say nothing, absolutely nothing, whatsoever is wrong with that.

The essential component in the bill, contained in clause 4, says if you want to lock away land for conservation purposes then find a suitable alternative area that can be used by the timber industry. The National Party supports that absolutely and wholeheartedly.

If you cannot find a suitable area, we say so be it — you do not lock it up for conservation purposes. As I said, there is an absolute balance in all of these things between resource use and conservation. That balance is about right, and we in the National Party will resist any further erosion of that current balance.

I remind the house that on 17 October last year I moved a major motion concerning the timber industry. At that time I warned the government of an impending crisis; in particular I warned it of the inadequacy of the sustainable yield figures. The Honourable Gavin Jennings has indicated the government knew about it two years ago. However, I reminded the government about it in October last year and still nothing was done to assist in that area.

I also warned the government of the growing lack of confidence in investing in the timber industry, with the government procrastinating on the renewal of timber industry licences. It is a major industry; the investments run into hundreds of millions of dollars in Victoria

annually. Without that security of licence tenure the confidence to invest is eroded, and employment opportunities consequently are reduced.

Also in October last year I urged the Victorian government to work with the federal government to secure Forest Industry Structural Adjustment Program funding that could in part be used to fund voluntary industry exit packages. Even the government's most recent statements on Our Forests, Our Future suggested that there should be some voluntary buyback of licences. I do not object to that, but I pose the question: what has happened in regard to it? Absolutely nothing. To my knowledge — and correct me if I am wrong, please — there has not been one single offer made to a sawlog licence holder to voluntarily surrender or have the government buy back their licence. As I said, there is a lack of action on the part of the government in moving towards some important issues in this industry.

In my speech on 17 October I reminded the government of its legal, social and moral obligation to honour the contracts it had entered into with timber licence holders. I advocated the allocation of resources from alternative areas that could well be used to assist the industry. In particular, I spoke about the category of land described as special protection zones under the regional forest agreement. The agreement makes it very clear that these areas can be used for the extraction of timber resources in the case of the state government being unable to meet its contractual obligations with licence-holders from other areas of state forest. So the RFA allows for some of those areas currently protected as special protection zones to be reopened and reallocated to the timber industry. That is within the RFA that this government signed, and it is clearly an avenue available to it to assist the timber industry in finding alternative areas.

But what has the government's response been to all of that? It has said, 'No, thank you, we are not going to go back and revisit all those areas even though it is possible and we are allowed to. All we will do is embark upon a process of finding alternative employment or alternative opportunities for these workers — forgot about their jobs'.

Hon. Philip Davis — Beautify streetscapes!

Hon. P. R. HALL — Beautify streetscapes — I might make reference to that in future, Mr Davis.

But the issue is that this government has a compensation culture. It says it is all right to do away with jobs as long as you give the workers a few dollars in their pockets. It is doing it in the timber industry; it is

doing it in the fishing industry; and it is proposing to do it with box-ironbark. It is saying, 'We do not care about your jobs; our balance is tilting towards environmental values. Forget about the social and economic impacts; we will pay you out. Country Victoria will bear the brunt of that compensation culture.'

As I said, the government's response came some four months after I spoke about this issue in the house in October last year, with its policy *Our Forests, Our Future*. It said that the sustainable yield figures would need to be cut by about a third right across the state, and up to 80 per cent in areas like the Midlands; 50 per cent in East Gippsland; and by up to 50 per cent in areas of the Central Gippsland forest management area — a lot of the West Gippsland timber industry relies a lot on that resource.

The government threw on the table an \$80 million package and said, 'This is how we are going to compensate you' — the compensation culture. Not for 1 minute did it think about trying to save some jobs within the timber industry; it said 'Get out, we will pay for your retraining, we will pay for alternative projects that you might be interested in or suitable for'. But it did not make one skerrick of effort to save one single job within the timber industry.

As I said, it talked about a voluntary buyback of timber licences in that strategy; to date there has been no action. It spoke about retraining displaced workers. That is not an easy task at all, particularly in country areas. Those of us who have the good fortune to represent country electorates know that retraining is difficult.

There was an interesting comment in yesterday's *Age*:

Mr Bob Humphries, managing director of East Gippsland's largest sawmilling company, Hallmark Oaks, also sees little for the region in restoring the Snowy. Neither does he see much hope in tourism. 'I can't imagine my blokes making hotel beds and milkshakes', he grumbles.

Spot-on comment! The sort of people involved in the timber industry would not readily adapt to ventures in tourism or alternative-type employment opportunities that simply do not exist. So we say, 'Retraining for what?'. These people do not have good employment prospects if the timber industry is closed down, which it seems that this government is hell-bent on.

The *Our Forests, Our Future* strategy also referred to working with communities to identify economic opportunities. We know that in East Gippsland committees have been set up to look at what alternative economic opportunities exist. One of them is a committee called the Orbost and District Community

Forum, and it is suggesting a great walk through much of the forest area. While I am not opposed to tourism activities like that being developed, it is proposed that this walk will go through viable and useful areas of forest operations. If there is to be a tourism walk in East Gippsland, I can suggest one that would be a great national and international attraction — that is, a great coastal walk from Marlo through to Eden, something that was talked about many years ago. That coastal walk would be ideal for a tourist activity project based on a nature walk, and it would not interfere with the resources available to industries such as the timber industry. It would not impede, as this proposal does, the possibility of a fast train going through the area.

As I have said, all those things need to be balanced and looked at carefully to determine if there are viable opportunities for alternative employment options for people displaced from the timber industry. Part of the government's response in its *Our Forests, Our Future* package was to fund local infrastructure projects, and that is where some streetscape beautification schemes have been suggested in areas such as East Gippsland. They provide a short-term employment opportunity for local people and do not directly provide for those who may be displaced from the timber industry.

Only last week I spoke in this house about an \$800 000 grant by the government to the East Gippsland harvesting and haulage sector to help it readjust to the changes within the hardwood timber sector. I pointed to the government's craziness in insisting that \$800 000 be spent by 30 June this year. Less than half of that has been expended to date. In the Treasurer's rush to get the money spent it was suggested that perhaps it could be used for making roads in the area. I support money for roads, but that money is targeted to people who are directly involved in the timber industry, and it should remain so. There should not be a rush to empty the purse and get rid of the money. It should remain and be rolled over into the next financial year to ensure it benefits people in the timber industry, which was the intent from the start.

As I said before, my main criticism of this government, both in its *Our Forests, Our Future* policy and in its response to the bill today, is that it has made no effort whatsoever to save one single job in the timber industry. Options are available to it. It could look at opening up special protection zones that are allowable under the regional forests agreements. It could also allow greater access to timber on private land for sawmilling purposes — and there is much of that in parts of East Gippsland. But once again it is this government, with its native vegetation regulations, that is preventing land-holders from clearing that land and

putting the timber to a sawmilling purpose, even with guarantees by the landowners that those areas of land will be replanted with trees — that they will be reforested. Landowners are willing to do that, and it makes sense. It is one way in which at least a few jobs in the timber industry could be saved.

Those are two clear examples where the government, if it had the will, could show some support for the industry and save some jobs rather than embarking on what I think is a pretty futile exercise in suggesting that there are employment opportunities for all those who may be displaced from the industry.

I have also made the point that this government has had plenty of time to act. The rally on the front steps of Parliament House was held in February. The Premier promised action in February, but to date none has been forthcoming. After the rally the organisers met with the Premier and with the leaders of the Liberal and National parties. Both the National and Liberal parties promised to support legislation. Today I am pleased to indicate formally that the National Party will be giving its strong support to this bill which has been moved by the opposition because it is a positive step in the right direction. I agree with the Honourable Gavin Jennings that it may not cover every issue the industry would like to see covered, but it is a jolly good first attempt. It is about 1000 per cent more than what the government has done to assist the timber industry. That is why we are pleased to add our strong support for the bill.

As the Honourable Gavin Jennings mentioned, and the second-reading speech indicates, the first main area of the bill is to give greater resource security to the industry. 'Resource security' is a strange expression in itself. A lot of people within the industry wonder just what resource security now means, because it was part of the timber industry's strategy back in 1986, it was in the regional forest agreements and it was part of the sustainability review conducted by the government. They all promised resource security but none of that has materialised as yet.

We know what we intend by resource security — that is, a guarantee of supply and resource availability to the industry. My fervent hope is that this bill will assist in providing some further resource security to the industry. Although I recognise and acknowledge that that will always be difficult to achieve, it is a really good attempt, as I said before.

Clause 4, which is a substantial part of the bill, states in part:

... the Minister shall replace the area with an appropriate area of State forest —

if there is another area that is proposed to be put aside for conservation purposes. The rest of that clause contains a few definitions and clarifies exactly what that means. The National Party strongly supports it.

The National Party is concerned about a comment made in the second-reading speech at page 14 of the *Daily Hansard* of 5 June, which reads:

The Liberal opposition will cooperate with the government to provide compensation to those engaged in forestry enterprises who are adversely affected by the government's inability or unwillingness to adequately replace the reduced resource area within reasonable proximity of the removed area.

The National Party does not list inability or unwillingness as an excuse. Clearly if a suitable alternative area cannot be found it should not be taken away in the first instance. There is no need for that. There is no need for compensation. Unless an alternative viable resource can be found it should not be taken away in the first place. Nevertheless, the intent of clause 4 is admirable, and we support it.

The other main area of the bill strengthens provisions relating to the deplorable actions of protesters in forests that prevent honest people from earning an honest living. The actions of some of those protesters deserve the strongest condemnation from all sides of this house.

Instances have occurred in which protesters have endangered lives; they have destroyed infrastructure; they have been involved in acts of sabotage of equipment; they have tied up vast amounts of government resources, in particular the resources of police and Department of Natural Resources and Environment staff, for long periods of time; and they have unfairly and unjustly affected the lives of honest workers and their families. The strongest possible measures should be implemented to deal with those unjust and unfair protest actions that occur far too regularly in the forest areas of this state.

I commend the opposition for putting these tough measures forward. As the Honourable Gavin Jennings said, they are tough measures; so be it. Nothing else has worked to date. There has been no strong threat of punishment to deter these people from undertaking these dangerous and illegal activities. We need to get tough with them, and the measures in the bill may go some way towards doing that. They are certainly not overly tough.

The National Party acknowledges, and I think the Liberal Party would, too, that the bill probably does not do everything the timber industry would want it to do. I mean no criticism when I say that, because it is a jolly

good start and it is 1000 per cent more than what the government has done to date.

Following my discussions with people from the Victorian Association of Forest Industries (VAFI) they have documented four points that could well be included in the bill. Firstly, they seek:

a process to ensure greater accountability and clarity of forest decisions through annual reporting to the Parliament on alterations to the land base, the impact of yield, the actions taken to replace or sustain yield and their cost ...

That process would be helpful and it would once again provide the industry with more confidence.

Secondly, they seek:

a mechanism for calculating sustainable yield, based on the state forest resource inventory program, due to be completed by 2004.

Again, there should be an open and accountable mechanism accepted by the industry for that calculation of sustainable yield.

Thirdly, VAFI believes there needs to be in place:

a process for reviewing the legislation and providing certainty beyond the life of regional forest agreements, having five-yearly reviews, as envisaged in the RFA and extending their life by five-year increments, with whatever amendments thought necessary at the time. Twenty years might be a lifetime in politics, but it doesn't grow on sawlog, and hardly registers in the life of a forest.

I totally agree with that comment. Things should not be set in place forever and there needs to be a time limit on regional forest agreements and a regular review of the boundaries associated with them.

Finally, VAFI seeks:

confiscation provisions, similar to the Fisheries Act, that enable DNRE to confiscate and dispose of equipment et cetera that is being used for illegal purposes ...

We know such provisions work well in the Fisheries Act. We have supported measures allowing confiscation of equipment used for illegal activities within the fishing industry, and those measures should apply equally to the timber industry.

The Victorian Association of Forest Industries makes the following comment:

Currently much of the material confiscated by DNRE must be returned either immediately or when asked for. The latter has resulted in the farcical situation whereby DNRE is storing ropes, cables and other equipment over the winter for the protesters to use next timber season.

That is a farcical situation!

I say in summary that the timber industry is sick of all the rhetoric espoused by governments — of all persuasions, I might add — in their claims that they support the timber industry. It is time for political parties to stand up and be counted as to whether they support the timber industry or whether they do not. Clearly two parties — the Liberal Party and the National Party — are standing up today to support the timber industry. Unfortunately the Labor Party is sitting on its hands and refusing to stand up and be counted.

Under every government in the past 20 years in this state there has been a continual loss of forest resource, and that situation needs to be addressed. Not one government in that period has made any effort to replace resource removed, let alone to increase available resource. This bill at least attempts to replace any resource that is potentially lost.

The bill goes a long way towards addressing the industry's concerns, but other areas need to be addressed. In expressing the strong support of National Party members for this bill I stress that we will continue to be tireless in our efforts to bring about those further positive changes that need to be put in place in the future to ensure that the timber industry in country Victoria remains a strong and viable industry that contributes to the economic prosperity of the towns we represent.

Sitting suspended 12.54 p.m. until 2.08 p.m.

Hon. PHILIP DAVIS (Gippsland) — I am pleased to join the debate this day on the Forests Legislation (Amendment) Bill. In speaking to this bill I would like to make a few preliminary comments about the government's position.

I noted with some disappointment that the government opened the debate with the view that it would oppose this legislation. I believe that is disappointing, but not so disappointing as the fact that the government has had a week to consider the legislation that is before the house today but has made no attempt to discuss it with the Liberal Party or, indeed, offer any alternative in terms of introducing its own legislative proposal. Further, it has also had that same week to reopen or resume discussions with the industry about the matters that are before the house.

That is disappointing because it reveals the hypocrisy of the approach by the government to this important debate. In February when hundreds of timber workers rallied on the steps of Parliament House and the government was in the eye of a storm as a result of its announcements to devastate the industry with cutbacks

to resources, the government offered assurances that legislation would be introduced by it imminently to deal with resource security and the matter that is also contained in this bill — the management of forest activist protests.

Regrettably, the government has made no attempt to do that. Besides a cursory observation by the government speaker on this bill, the Honourable Gavin Jennings, there has been no indication by government other than that it might look at it some time in the future. It is typical of the approach that this government takes to most things, which is to do nothing, that we are again seeing the consequences today.

The government's approach to this bill is that it has abandoned rural Victoria, it has abandoned the timber industry, and in my view it has abandoned its own integrity. It has failed to deliver on a commitment given to the timber industry in February, and given that that was the case the opposition had no choice but to honour its pledge to the industry and introduce legislation which would afford the security the industry has been seeking.

The reason for the delay — if it were a delay — in the opposition introducing legislation was that it had a full expectation that the government would honour the commitment that had been made. We on this side did not believe it would be necessary for opposition parties to address resource security for the timber industry in this state because we believed, as I am sure the industry believed, the government had some integrity in this matter, something which it has effectively voided. Its commitment to the timber industry has resulted in a complete abandonment of any integrity the government may have had.

It is fair to say that we should avoid being too judgmental about where all the errors arise that have led us to this point because for nearly two decades there have been a series of decisions by successive governments, initially starting when Joan Kirner was conservation minister and the timber industry strategy was introduced in the 1980s, followed by various decisions made by successive ministers in both the Cain and Kirner governments, then the Kennett government and subsequently and more recently by the Bracks government. In all of that time decisions have been made by ministers, governments, cabinets and the respective parties based on information provided by the Department of Natural Resources and Environment and its predecessors. Regrettably the body of that information has now been proven to be comprehensively inadequate.

That is summarised very effectively in a headline on the front page of the *Weekly Times* of 27 February, which simply states 'Shafted'. I am sure we all recall the time of that discussion. The subheading is 'DNRE faces timber community outrage'. The paper devotes many pages to the story of the decimation caused by the government's decision to reduce the timber industry's access to resources by an average of 31 per cent — indeed, up to 79 per cent in the midlands, which is an extraordinary cutback in resource availability. In the part of the world that I represent, Gippsland, it has been absolutely devastating because there has been a reduction of approximately 50 per cent across the board. Given that Gippsland generates the majority of timber resources in the state, that will have a huge impact on the industry.

I will deal with the issue of the bad advice that successive departments, which have been subsumed eventually into the Department of Natural Resources and Environment, have given to governments over time by quoting the opinion of the lead writer in the *Weekly Times* of 27 February. The editorial is headed 'Bad advice a threat to good government', which is absolutely correct. The editorial states:

How could the bureaucrats from the Department of Natural Resources and Environment make such woeful errors in calculating the amount of timber available to Victoria's forest industry?

It states further:

At the centre of this shambles is the real concern that the department has lost the ability to give ministers and the government frank and honest advice.

It states further:

The poor advice that has led to these catastrophic cuts in timber licence allocations could eventually hit water allocations in agriculture, commercial fisheries or the mining sector.

My view is absolutely consistent with that of the lead writer of the *Weekly Times* — that this is a shambles and the timber industry has been absolutely shafted by the inadequate performance of the departments that have been responsible for managing forests in Victoria over the past 20 years.

Having said there needs to be serious accountability, it behoves us to recognise that as of 27 February we accepted that there had been a massive error but that everybody — when I say 'everybody', I mean everybody in Parliament — was consistent in the view that we should move forward and deal with these problems as if they were reality crystallised and

consequently endeavour to assist the industry through this.

I do not intend to use this debate to take cheap shots at the government. It is fair to say that previous governments erred in some decision making as a consequence of bad advice; that is necessarily acknowledged. But the question is: what does the government of the day do about all of this? The opposition parties are not the government. We have been waiting for the government to act. I say that the poor information and the bad advice do not excuse the present government's inaction, which is what we are seeing at present — absolute and total inactivity. I believe it is essential that we move forward, and so does the federal government.

In a recent press release the federal government indicated support for the legislation which is before the Victorian Parliament, the federal Minister for Forestry and Conservation, the Honourable Ian Macdonald, is referred to as stating:

Uncertainty in forest management in Victoria would be alleviated under proposed state legislation intended to complement the federal government's Regional Forests Agreements Act 2002.

Minister for Forests and Conservation, Senator Ian Macdonald, said today legislation introduced in the Victorian Parliament was a step forward in providing a balanced approach to forest management in that state.

Senator Macdonald goes on to talk about the benefit of the security that this legislation will indeed provide.

It was interesting to listen to the contributions by the two previous speakers, the Honourable Peter Hall and the Honourable Gavin Jennings. May I say that Mr Hall's contribution was in my view entirely predictable. I mean that in the most complimentary fashion, because I remind honourable members that the Honourable Peter Hall and I share representation of a province, so I know he understands the consequences of the government's decisions on small communities that are dependent upon sawmilling operations. Whether it be Noojee, Erica, Cann River or Orbost, all such towns — they could indeed be called villages — will be absolutely decimated by the recent announcements.

We cannot wind the clock back. Mr Jennings suggested there was some attempt by the opposition in introducing this legislation to wind back the clock and claw back areas of land from national parks covered by legislation. I see nothing in this bill to support that contention. Mr Jennings's assertion is either a demonstration that he does not understand the

legislation or he has deliberately set out to muddy the waters, and mislead the house and the community about the intentions of the opposition in introducing this bill.

The bill is quite clear. It does no more and no less than what has occurred with successive bills introduced into this place to create national parks. It sets out to define, preserve and conserve an area of land that is available for a particular purpose. It just happens that the area of land involved in this case is being conserved for a sustainable timber industry. To put it into perspective, we are now at the ridiculous stage in Victoria where of the total area of state forest on public land — 7.7 million hectares — less than 10 per cent is currently available for sustainable timber harvesting. That has happened over a long period as a result of consecutive decisions that have led to consequential outcomes as to access to resources. Of that 700 000 hectares available for sustainable timber harvesting on an 80-year rotation, less than 0.3 per cent is harvested in any one year. Why? Because it requires an 80-year cycle to regenerate for optimal timber production outcomes.

Mr Jennings clearly does not want to concede the fact that it is important to members of the community to have certainty and confidence in their long-term ability to access timber resources to sustain their businesses, be they sawmill operators, harvesting or haulage contractors or one of the many businesses associated with the timber industry. It is important to recognise that it is not just about the industry per se, but about the 50 000 jobs in Victoria which are directly or indirectly dependent for their existence on there being a viable timber industry in this state.

Not all of those 50 000 jobs are directly related to the hardwood saw logging industry based on state forests, but more than one-third are directly related. It is a very significant industry with a significant multiplier effect. The important aspect is that these are jobs in rural communities whose whole existence has always been related to the business of converting forestry products — that is, trees — into building products and other materials that are important to the rest of society. The 50 000 jobs are basically in rural Victoria.

To put this into perspective, we heard a great deal about the demise of Ansett and how tragic that was for the individual employees affected, as well as the contractors that consequently went out of business, and their employees. It had a multiplier effect, particularly in the north-western suburbs where many residents were involved in the airline industry. The reality is that there will be a recovery in that industry. People will still want to fly in the future no matter what airline company operates the aircraft; there will be planes in the sky.

There will not be a contraction in the nature of that industry.

When the resource base is cut by 50 per cent, as it was in Gippsland, simple arithmetic tells you that the scaling down of the whole community must be in proportion. It is simply not possible that there will be no consequences. However, the best the government could do in the last couple of weeks was to go out with its Santa Claus bag and hand out lollipops in the form of money. It gave \$25 000 to Port Albert for beautification works. For those people who do not know, Port Albert is part of Corner Inlet, and I would have thought its primary activity was supporting the commercial and recreational fishing industry. It is beyond me what \$25 000 will do. It will not make one jot of difference to someone at Noojee or Erica who is out of work for the rest of their life because the government has cut back the access to resources.

In just the Shire of Baw Baw 1000 people will no longer have employment because of these decisions, but the best the government can do is to take the wheelbarrow out with the Santa Claus bag and put money into street beautification schemes. That is all it has done to date. The government's commitment to giving people a reasonable exit package, to giving people the opportunity to volunteer to exit the industry so that there could be an expeditious and effective managing down of the industry has come to nought. No offers have been made.

I predict that the government does not intend to make any exit offers until after the election later this year. This is clearly a political strategy to pork-barrel marginal seats like Gippsland East — the government is sure to try to hold that seat — and Narracan.

What is the government doing? It is running around saying it is going to promote tourism. We heard that back in the 1980s, but no new tourists have arrived in Orbost. The rainforest centre established there for tourists had to be abandoned because nobody went there. The government has been quite deceptive in its approach.

The government has said there will be a package of measures to support timber communities, but to date those measures have been entirely shallow. They have been about projects which have been driven by the relevant local government authorities in particular areas, and those projects have already bid for state government funds to improve community infrastructure. Those projects have been brought forward and funded, and I acknowledge that, but they having nothing at all to do with the timber industry, and

that is a disgrace. The behaviour of the government in not supporting this bill is a disgrace, and the industry will focus on that.

Mr Jennings tried to make a case that, by bringing this bill into the house, the opposition intends to open up national parks for timber harvesting. There were some interjections from the National Party corner that that might not be a bad thing, but that is another debate, one that has occurred recently in the United States of America. A couple of years ago there were two American presidential candidates, Mr Gore and Mr Bush, who were both committed to extracting timber from national parks: they recognised the wisdom of doing that because the parks had become unmanageable and were environmental and fire hazards.

It is important to recognise that this bill does nothing other than draw a line in the sand in the same way as legislation to create national parks does. It clearly defines that enough is enough and that there should be no further erosion of access to land as a resource base for the industry. If successive governments choose to make decisions that will erode land access, then there indeed will be necessary action on the part of government to provide an alternative supply of timber if that is what the decision must be.

Mr Jennings asserted that the only way this could be achieved would be by going back into national parks. We know that is not true, and if Mr Jennings had done anything other than take the advice of the discredited Department of Natural Resources and Environment on this matter he would have known that that is not true and that there are special protection zones which were created specifically as part of the regional forest agreement process that ensure there are buffers, reserves, or areas of land that are set aside and that, in a sense, have conservation value but are not forbidden areas or excluded estates. These areas should be managed in a special way for as long as is appropriate and then brought back into forest production. My view is that many areas in the special protection zones are suitable for forest production.

Clearly those arrangements were set out under the regional forest agreements which were signed by state governments and the federal government. The federal government has a very strong view about bringing those special protection zones back in if necessary.

Mr Jennings asserted that this bill had been introduced so that the opposition parties could play games. That is not the case at all. We have brought in the bill because the government has failed to address the problem, just

as it continues to fail in most aspects of its administration. It has certainly failed the timber industry on this point. We have brought in this bill as a matter of goodwill. Indeed until today we did not know what the government's position would be. We thought the government might support the bill. In all earnestness, I have to say that I am disappointed it will not.

Given the time constraints, I should just make a couple of observations about the other aspect of this bill which deals with safety matters for forest harvesting. Whilst we have spent most of the day debating the issue about amendments to the Forests Act in relation to resource security, there are also amendments in this bill in relation to the Conservation Forests and Lands Act 1987. These amendments set out to deal with the matter of declaring safe working zones so that areas can be managed from the perspective of improved safety, and forest protesters can be kept away from hazardous work sites.

It is time that illegal activities in forests were stopped. Recently and quite prominently we have seen several arrests and the dismantling of the Goolengook fort, as it was commonly known, which for more than two years was the site of a permanent structure established for the purpose of blockading, stopping and interfering with lawful forest harvesting activity. Interestingly, one of the things that have come out of that, apart from the time and resources spent by the department and the police force in dealing with the blockade, was the fact that protesters removed a bridge from the road in order to impede traffic. I understand they used part of the materials of the bridge for the construction of the fort. The replacement cost of that bridge will be \$40 000.

There has been a succession of such activities that have impacted many times on foresters who are trying to go about their business. I thought I would allude to what the costs of managing protesters might be. In relation to the management of recent events that have disrupted logging in East Gippsland, the department advised that it has cost about \$420 000 to battle conservationists in the Goolengook area.

An estimate has been made of costs incurred by individual protests. I acknowledge the assistance of the Victorian Association of Forest Industries (VAFI), who provided some of these figures. In East Gippsland, the estimated cost to a contractor of lost production for a one-day protest is in the order of \$2000 to \$4000 a day. A haulage contractor will lose \$1000 a day. In the area of manpower resources: the Department of Natural Resources and Environment staff will have between four and six men; the police usually have about four; a

harvesting contractor has a team of four on site ready to work; and then there are tree climbers. All of that amounts to a total cost of between about \$8000 and \$11 000 a day.

We have seen gear interfered with and damaged. We know that in the Otways it has been a relatively quiet season just past but 10 days were lost. At an estimated cost of \$4000 a day — that is \$40 000 to the contractors.

We have also seen an inability in some areas to undertake harvesting. It is estimated that in the Midlands \$1.5 million has been lost to the industry since Easter because of lost production opportunities. These protesters do not have an appreciation of the impact that has on small rural communities, whose local economies are incredibly fragile.

It is important, therefore, that the chamber support the bill because it will improve the access to and control of protest activity and ensure a safe workplace for people going about their lawful business.

I therefore urge the chamber to support the bill and encourage those members of the government whose consciences weigh heavy to join the opposition and support the bill as well.

Hon. D. G. HADDEN (Ballarat) — I rise to make a very short contribution to the debate on the Forests Legislation (Amendment) Bill. I do not support the opposition's bill and do not consider it a complete and adequate proposition in response to the situation in our forests today.

In February the Bracks Labor government released the *Our Forests, Our Future* policy document. It was brought in as a result of a review conducted over in excess of 12 months of sustainable harvesting yields in our forests across the state. As a result, the review recommended a reduction of some one-third of logging across the state and a reduction of 79 per cent in the Midlands forest management area.

I do not support the bill.

House divided on motion:

Ayes, 23

Ashman, Mr	Hall, Mr
Atkinson, Mr	Hallam, Mr (<i>Teller</i>)
Baxter, Mr	Katsambanis, Mr
Best, Mr	Lucas, Mr
Bishop, Mr	Luckins, Ms
Boardman, Mr	Powell, Mrs
Bowden, Mr	Rich-Phillips, Mr
Brideson, Mr	Smith, Mr K. M.
Coote, Mrs	Smith, Ms

Davis, Mr D. McL. Stoney, Mr
Davis, Mr P. R. (*Teller*) Strong, Mr
Furletti, Mr

Noes, 13

Broad, Ms Madden, Mr
Carbines, Mrs (*Teller*) Nguyen, Mr (*Teller*)
Darveniza, Ms Romanes, Ms
Gould, Ms Smith, Mr R. F.
Hadden, Ms Theophanous, Mr
Jennings, Mr Thomson, Ms
McQuilten, Mr

Pair

Ross, Dr Mikakos, Ms

Motion agreed to.

Read second time.

Third reading

Hon. C. A. FURLETTI (Templestowe) — By leave, I move:

That this bill be now read a third time.

I thank the Honourables Peter Hall, Philip Davis and Gavin Jennings for their contributions, and the Honourable Dianne Hadden for her brevity.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

QUESTIONS ON NOTICE

Answers

Hon. E. G. STONEY (Central Highlands) — I move:

That there be laid before this house, on or before 6.00 p.m. on Wednesday, 12 June 2002, by the Leader of the Government, answers to questions on notice 2842 to 2880 from the Minister for Education Services, the Minister for Energy and Resources, the Minister for Sport and Recreation and the Minister for Small Business.

On 17 April this year I lodged 39 questions on notice, numbered 2842 to 2880 inclusive. The questions were addressed to every minister and covered their various areas of responsibility. For example, the first question on my list was 2842 to the Honourable Monica Gould. It reads:

To ask the Honourable the Minister for Youth Affairs: What are the details of every contract entered into between the minister's department and Shannon's Way Pty Ltd since 20 October 1999 including — (i) the nature of the tasks performed under the contract; (ii) the method used to award this contract and the date the contract was awarded; (iii) the names and positions of the people on any selection panel who awarded this contract; and (iv) the value of the contracts after June 2001.

As I said, my questions numbered 39 in total. Each question was to the minister and the portfolios held by that minister. I heard nothing back from any minister either in their direct area of responsibility or in the areas for which they are responsible.

On Thursday, 30 May, I handed the Minister for Education Services, the Minister for Energy and Resources, the Minister for Sport and Recreation and the Minister for Small Business each a letter. My letter to the Minister for Education Services said:

Dear Minister

On Thursday, 18 April 2002, I raised questions on notice 2842, 2843, 2844, 2845, 2846, 2847, 2848 and 2849.

As I have not received answers to these questions, I intend to raise this in the house on the next sitting day.

I ask the house to note that I personally handed these letters to each minister at the box on that side of the house. I raised the issue in the house several times and yesterday the response of the Minister for Education Services was that she had raised questions with the responsible ministers. I assume that includes herself.

On Tuesday, 4 June, after I personally handed my letters to the ministers, I raised the issue with the minister on duty; the rest of the ministers were hiding in their offices as usual. In response to my raising the issue that the answers had not arrived, the Minister for Small Business said:

All I can do is investigate what the situation is and come back to the honourable member to get them to him as soon as possible.

That was a week ago and there has not been a peep from the Minister for Small Business to me. She was at the table again when I raised the matter today and had nothing further to add. The next day, Wednesday, 5 June, I raised the issue again. The Leader of the Government, who was at the table — we are getting used to always having a different minister at the table — told me she had spoken to her ministerial colleagues. She said that the issue I had raised was very similar to issues on which answers had already been released and that the government was trying to ensure that there was no mix-up in the answers. At that time I

signalled that if I did not get the answers I would be looking at options as to how to proceed from that point.

The next day, Thursday, 6 June, I faced another minister — I had spoken to three ministers in three days — and on that occasion it was the Minister for Energy and Resources. I carefully explained the difference between my set of questions and the previous set of questions which had been answered by the government late last year. I explained that my questions, which appeared on 18 April, related to the method used to award contracts to Shannon's Way Pty Ltd. I was very clear in the way I said, for example, that details of the tender, the selection panel, who sat on the selection panel, the nature of the contract and the date of the contract were requested of necessity to make sense of the other information.

I pointed out that the time frame was long — from 20 October 1999 until April 2002 — and that it appeared my questions had gone into the same black hole as questions asked on the adjournment debate. Each night we deal with a different minister and the questions seem to go into a black hole never to appear again. In those cases and in the case of my questions it seems the government is flouting the rules of the house.

The information I seek is very important. My 39 questions go to the heart of the integrity of this government, and the lack of answers to them expose the government as not being an open and accountable government. My questions simply ask about the contracts between government departments and Shannon's Way. Shannon's Way is a small advertising company. Mr Bill Shannon is very close to the Labor Party. For some reason Shannon's Way seems to be getting a lot of government business. It appears likely that Mr Anton Staindl, who is close to the Shannon's Way group, was on the selection panel that awarded the company the Workcover contract last year. It appears likely that other contracts have perhaps been awarded, but we do not know. My questions tease out this issue. They certainly tease out the wider question of how many other Labor mates are rewarding other Labor mates with government contracts.

People in the industry are talking. The online business newsletter *B & T Marketing & Media* — —

Hon. R. M. Hallam interjected.

Hon. E. G. STONEY — They certainly are, Mr Hallam. The dogs are barking — same dog, different leg action!

Hon. D. G. Hadden interjected.

Hon. E. G. STONEY — It still gets a laugh, Ms Hadden.

The newsletter ran an item on 30 April headed 'Workcover controversy as Victorian government short lists'. The article is about the short-listing of advertising agencies for government business, and it states:

Meanwhile, last year's appointment of Shannon's Way to the Workcover account has once again become headline news.

This week it was revealed that Shannon's Way cited Workcover minister Bob Cameron as one of its clients and listed Victorian government minister Christine Campbell as a referee when pitching for the Workcover account last year.

The new twist comes months after Adland first raised concerns over the handling of state government tenders, with claims of bias in the selection process.

The controversy erupted following the appointment of Shannon's Way (the agency behind Premier Steve Bracks' election campaign and the state government's problem gambling business) to the \$10 million Workcover account ...

The 30-day rule for answering questions in this house has been seriously breached by some weeks. When I have tried to get a satisfactory explanation as to why my questions have not been answered I have had to start again every day with a new minister. The ministers for a while seemed to just plead ignorance and now they are saying, 'Oh well, we have to make sure our answers are different to the other answers and we have to sort them out'. I have explained all that very carefully, and I believe I am getting gazumped.

I think the government is treating this Parliament with contempt. It is doing it on purpose to get itself somehow through this sitting. The ministers have stopped coming to adjournment debates and we do not hear back on our adjournment questions. The ministers have stopped answering questions on notice — we do not hear back from them on these issues either. It is quite obvious that the answers have stopped. I think the government is doing this to get out of scrutiny from both questions on notice and adjournment responses. The government is just hoping that some time in the future it will be able to answer questions on the never-never, perhaps when they no longer matter. There is no doubt that ministers have been fudging in giving answers. If they can scrape through until the house rises it really means waiting until October, which possibly means they will be able to go to an election without any of this coming out.

The government's treatment of questions on notice and matters raised on the adjournment debate exposes the big lie of its transparency and its lack of willingness to

be open and accountable. The government is treating this Parliament with contempt.

Hon. GAVIN JENNINGS (Melbourne) — The government responds to this issue by saying that we accept it is not good enough to not deliver on 39 questions that have been asked by Mr Stoney. We will deliver those 39 answers. It is important for the Parliament and the people of Victoria to note that since coming to office there have been 3135 questions —

An honourable member interjected.

Hon. GAVIN JENNINGS — Sorry, that is 3135 questions, and with those that appear on the current notice paper the list of questions placed on the notice paper by the opposition parties since Labor came to office is up to 3163.

An honourable member interjected.

Hon. GAVIN JENNINGS — 3163! It is this government's intention to answer all 3163 questions — all the ones that come our way. On the questions relating to Shannon's Way — the ones that have been drawn attention to by Mr Stoney today — there are 39 outstanding questions, which the government gives an undertaking to the Parliament to answer and answer properly. A series of questions has been asked about Shannon's Way during this term. A block of 68 questions asked on 22 March 2001 were answered by the government.

Another set of 40 questions was asked on 16 August 2001 and they have been answered. Regarding the 39 that are in question today, they will be answered. This government gives an undertaking to answer the questions as it is required to do. As of today, 2923 questions have fallen due, and the government has answered nearly 2900 of those questions. In the order of 50 questions — out of nearly 3000 questions that we have answered — are outstanding and are the subject of to a resolution before Parliament today. The government's contention is that it will answer all those questions. It apologises to the Parliament for not delivering on those. I am not in a position to give guarantees about when those questions will be answered but they will indeed be answered.

Time and again since this chamber adopted the method of requiring questions on notice to be answered within 30 days, debate has raged in this Parliament on a number of occasions about the satisfactory completion of those answers. It featured prominently in the debate on the budget for 1999–2000, with contributions from honourable members from either side of the chamber about allegations of poor delivery, going back as far as

the Cain and Kirner era, and responded to in kind by the then opposition about the delivery of the Kennett government during its term of office.

It is interesting to note that at the end of the autumn sitting 1999, after which the Kennett government was not returned to the Parliament, of the order of 160 answers to questions on notice were still outstanding.

Honourable members interjecting.

Hon. D. G. Hadden — Did you hear that, Mr Lucas?

Hon. E. G. Stoney — That was your plan.

Hon. N. B. Lucas — That was what you were trying to do.

Hon. GAVIN JENNINGS — It is clearly not the case that that is the intention of this government. When these accusations are about, people talk about the quality of delivery. In the autumn sitting of 1999, the last measuring stick for the delivery of the Kennett government, about 520 questions were asked and almost one-third — over 31 per cent — came back with the response that it was too hard, too much trouble and involved too much effort to answer them. That was the quality of the answer. Time and again that was the nature and quality of the response from the then government to questions asked by the Labor Party in opposition. So I alert the Parliament to the need to apply the same standard for one and all.

Honourable members interjecting.

Hon. E. G. Stoney — On a point of order, Mr President, it is irrelevant the way the Kennett government handled questions on notice.

Honourable members interjecting.

Hon. E. G. Stoney — There is one simple difference: this government was elected on being open and accountable. It has a moral duty to quickly answer all questions and it has not been able to answer directly even one question of mine. I believe they are begging the question, skirting around it, just trying to get through to the winter.

The PRESIDENT — Order! The Deputy Leader of the Government has advanced the case by giving an undertaking to the house that the answers will be provided.

Hon. R. M. Hallam — When?

The PRESIDENT — Order! He has not given that and he has made it clear that perhaps he is not in a position to do that. So the house has before it an undertaking from the deputy leader to do that.

In relation to a comparison with the performance of a past government, that is a quite legitimate tactic used by both sides of the house on occasion, as one side of the house moves to the other. I do not uphold the point of order. Obviously, it would be helpful if the honourable member was able to give a date, but that is a matter for him.

Hon. GAVIN JENNINGS — I thank you for your helpfulness, Mr President. Indeed, I would like to be able to provide that timing and I apologise to the house for not being able to do so, but I do give a guarantee that those 39 answers will come just as the 40 answers in the previous collection have come, and 68 in the collection before that.

The issue that Mr President raised in his providing the ruling that ‘what goes around comes around’ is in fact the nature of the debate that took place on the budget of 1999–2000. When I read the transcript of that debate I noted that some members of the Labor Party, in their desperation to get a better return on their questions, were responded to with some degree of ridicule by current members of this chamber. On reflection those honourable members may not be so proud of their words when they said ‘What goes around comes around’ and what they expected us to suffer at the hands of a government that was not obliging. The response was ‘Well, not in your lifetime, sonny’.

Hon. R. M. Hallam interjected.

Hon. GAVIN JENNINGS — No, it is not vindictiveness at all. I think that approach from the government of the day at that time was inappropriate. The degree of hubris that was in that government at that time was not a manner befitting the Parliament and it is not the attitude the government of this day will be taking to pleas for answers to questions. We do respond to the fact that there are 3000 — —

Hon. R. M. Hallam — You said you would do better.

Hon. GAVIN JENNINGS — We have done better!

Honourable members interjecting.

Hon. GAVIN JENNINGS — The statistics that I have read into *Hansard* already show we have done better. What I have indicated to the Parliament is that 2923 questions were due as of today. We have not

delivered on about 50 of them, but we will deliver. When we provide answers we are alive to any criticism of scanty information we may provide to the Parliament and are sensitive to it in a way that was clearly not the case with the previous administration. So we are prepared to be accountable and to deliver on those questions and we will do so.

Honourable members interjecting.

Hon. GAVIN JENNINGS — We will answer those questions in a way that was never delivered during the seven years of the Kennett administration. In fact we will not for 1 second come into this place and say ‘What goes around comes around’. In your lifetime, Mr Hallam, the wheel turned. It happened in your lifetime. The government will deliver on its commitment. The less time the Parliament spends debating this motion and getting on to providing some direction to the people of Victoria, they better we will all be.

Hon. N. B. Lucas interjected.

Hon. GAVIN JENNINGS — Mr Lucas knows that is not the case. The thousands of questions that have been put on the notice paper and the thousands of freedom of information requests that have been placed have been responded to.

Honourable members interjecting.

Hon. GAVIN JENNINGS — Honourable members can test whether they get satisfactory answers. That area will be assessed by the Victorian community. This government is alive to the community’s expectations that it will deliver those answers — and it will do so. All honourable members recognise what their obligations are — and this government does too. It has failed in its requirement to deliver those answers within 30 days on this occasion and it will correct that at the earliest opportunity.

Motion agreed to.

Hon. ANDREA COOTE (Monash) — I seek leave to move an amended motion because I received two answers to questions this morning. I would like to take out questions 2431 and 2680 from the motion.

The PRESIDENT — Order! The proposal is that the motion be put forward in the amended form with the removal of reference to questions 2431 and 2680.

Leave granted.

Hon. ANDREA COOTE — I move:

That there be laid before this house, on or before 6.00 p.m. on Wednesday, 12 June 2002, by the Leader of the Government, answers to questions on notice 2921, 2922 and 2923 from the Minister for Ports.

I was most interested in the tirade from the Honourable Gavin Jennings and would like to remind him that I was not part of the last government. The contempt he has shown in the tardiness of his replies to my questions is quite appalling. He spoke at length about the quality of his answers. I remind him that while I got two answers back this morning one of the questions, when first put to the government, was deemed not answered and resubmitted — so much for quality! The answer to my other question was a monosyllabic no. They were hardly quality answers. However, they are not the ones that I am concerned about.

Mr Jennings spoke in great detail about the number of questions answered and it is impressive to speak about the thousands that have been answered, but as Mr Stoney said, ‘What about the adjournment questions’. Hundreds of my adjournment questions have never been answered. They are nowhere to be seen: they have gone into the ether. What has happened to them?

Getting back to the questions on notice before us today, the government has already shown that under duress it can come up with answers — as we saw from the minister last night — and I was pleased to have those two answers; thank you, Minister. But the Minister for Ports, who was also in the chamber, has not been able to come up with any answers at all.

In question 2921 I asked about the third stevedore. I know she is ashamed and embarrassed about the third stevedore issue, but my question states:

In relation to the development of a third stevedore at the Port of Melbourne, what inquiries has the Government undertaken which indicate that the new competition in the Port of Melbourne is commercially viable and supported by the market?

There has not been an answer in sight.

In question 2922 I again asked the Minister for Ports:

In relation to the Whole of Port Environmental Management Plan, has the Implementation Program been completed?

I would have thought there would have been a fairly simple answer to that, but there was no answer at all.

In question 2923 I asked the Minister for Ports:

In relation to the Whole of Port Environmental Management Plan, what consultation mechanisms have been established?

Once again there has been no answer. Could I please have an explanation?

The PRESIDENT — Order! The motion is not calling for an explanation. It calls for some action from the Leader of the Government.

Hon. M. M. GOULD (Minister for Education Services) — With respect to the honourable member’s request for answers to questions, as indicated she has amended her motion because the government has supplied a couple of answers today.

The Deputy Leader of the Government has already indicated that the government has answered an extraordinary number of questions in detail. I was just looking through *Hansard* of 28, 29 and 30 May which identifies a number of answers that have already been given by the government in significant detail, including one by the Honourable John Ross who wanted to know how many new plants had been planted along Victoria’s coastline in the last three years. The honourable member got an extensive answer to his question, indicated by the local government region. It is in *Hansard* and I suggest honourable members look at it. The answer is given region by region: the minister responded to it.

The Honourable Bill Forwood wanted to know how many properties the Office of Housing had purchased to accommodate people not already being — —

Hon. Philip Davis — On a point of order, Mr President, the Minister for Education Services is going on about matters that are not the subject of this debate. The motion before the Chair relates to the fact that the government has not answered specific questions. Will the minister constrain her remarks to the subject before the Chair, which are those matters that have not been answered?

The PRESIDENT — Order! The motion is restricted in the sense that it refers to specific questions on notice. However, the issue of the quality of the answers has also been the subject of debate. It is not unreasonable to allow the minister to make some passing reference to that. I do not uphold the point of order.

Hon. M. M. GOULD — The Honourable Bill Forwood received from the minister an extensive answer that refers to the number of properties, the cost of the properties and the cost of construction. However, the point I am making is that the government has

answered thousands of questions that have been put by the opposition since it came into government. When I was in opposition and asked the then government questions on notice, I attempted — —

Hon. T. C. Theophanous — They were very good questions!

Hon. M. M. GOULD — They were very good questions, Mr Theophanous. In relation to my questions answered on the second-last day of the autumn 1999 sitting, over a third of those questions were two-line responses. That is the calibre of the answers given by the previous government. It said that the government could not justify the waste of public time and resources on answering those questions.

We had 164 unanswered questions. That is an indication of the quality of the answers that we received from the then government. During the course of debate on the parliamentary appropriation bill in 1999 the Honourable Bill Forwood took the opportunity to criticise the then opposition for asking questions of the government. The then government did not like it, whereas this government is prepared to answer those questions in a full and detailed way, which is in stark contrast to what the opposition did when in government.

We have had numerous questions asked that require substantial resources to be undertaken by the various departments to get detailed answers to honourable members. We have undertaken to do that. The Deputy Leader of the Government has already indicated the number of questions that have been answered since we have been in government. We are committed to ensuring that, when we give answers, they are appropriate to the questions and that the questions are not brushed off like the then government did in 1999. The then opposition had more than 100 questions that were overdue and were left on the notice paper at the end of the sitting; the current opposition is concerned about a couple of questions that are overdue. We will ensure that questions are answered as we have done so far. As the Deputy Leader of the Government has indicated, 3163 questions have been asked of the government, of which about 40 or 50 that fall within the 30-day rule remain.

I assure the house that when honourable members get their answers they will not be in the form in which the former government answered questions. The Kennett government thought it was a bit of a luxury and an inconvenience having to answer questions. Former ministers did not like it so they just said they could not be bothered answering questions. The Bracks

government is committed to being open and accountable, it is committed to ensuring that the people of Victoria are aware of what the government is doing, and it will provide those answers to honourable members.

Motion agreed to.

Hon. D. McL. DAVIS (East Yarra) — I move:

That there be laid before this house, on or before 6.00 p.m. on Wednesday, 12 June 2002, by the Leader of the Government, answers to questions on notice 2343 to 2350 from the Minister for Energy and Resources, the Minister for Education Services, the Minister for Small Business, the Minister for Ports, and the Minister for Sport and Recreation.

In moving this motion I want to draw the attention of the house to the nature of these notices of motion because they are important motions designed to significantly advance the public interest and to scrutinise the government closely in areas that relate to a very important area of public health.

The questions asked for details of audits and examinations of cooling towers and other airconditioning facilities in public buildings in a number of departments. This is an important matter, and I know that most Victorians would be concerned about legionella as a significant public health issue. It is an issue that goes back only a short way in recent times because not very long ago legionella was not known as a significant condition, but with the growth of airconditioning it has become a significant public health issue.

It is a concern to many people in large public buildings in particular, and Melbourne Aquarium is one example that comes to mind, and the house has already discussed this a number of times. All honourable members would be concerned to prevent the distress, illness and unfortunate deaths that have occurred from legionella in a number of significant instances throughout the state under a number of governments. In this respect I do not seek to make a party-political point, but I believe this house has a significant role to play in scrutinising the actions of government on significant public health issues like this.

It is for that reason I put on notice this series of questions on 11 October 2001 and they were due to be answered on 20 November 2001. Notice has been sent to the respective ministers and the matter has been dealt with, as honourable members would be aware, over the past couple of days as well.

I believe the house can play a role in requests made for this sort of information, which is of great public health

significance, to ensure that the government is living up to its own standards. Under its new regulations and laws regarding legionella the government requires the private sector to fulfil a number of very specific requirements regarding the number of audits it is required to undertake and the standard of cleanliness of its cooling towers and airconditioning systems. I do not believe it is unreasonable for the public sector also to meet those same standards in a transparent way.

In particular, a number of public hospitals are a well-known source of legionella infection in warm water, which has been shown to be of particular concern. I have raised this matter in this house on a number of occasions.

The Minister for Health has specific responsibility for the public health system, public hospitals and institutions that care for sick and vulnerable people. It is in that spirit that I raise these matters. I know that the Minister for Health has been vociferous in his criticisms of the previous government in its management —

Hon. M. M. Gould — Spell it!

Hon. D. McL. DAVIS — I would if I were so inclined, but I am not. The Minister for Health, when in opposition, was vociferous in his criticisms of the Kennett government and the way it handled legionella outbreaks, but we can step beyond those criticisms. I refer to a media statement of 5 November 1998 when the then shadow Minister for Health said:

People should not have to die from legionnaire's disease before the Kennett government institutes a proper system of control.

Through the set of questions on notice I am attempting to ensure that there is a proper system of control, and that that proper system is implemented across the public sector. I make my comments in the light of comparisons made by government members in previous debates on questions on notice that have not been answered fulsomely. If one wants to make those sorts of comparisons, one can.

The former Kennett government was very careful in its attempts to ensure that questions on notice were answered efficiently. A former member of this place, the Honourable Rosemary Varty, as the Honourable Theo Theophanous will remember, was assiduous in her work to ensure that questions on notice were answered appropriately and in a proper time period. That is not to say that on every occasion a government will be able to answer a complex question, as all honourable members understand, but this government has not been good at answering questions on notice.

Hon. M. M. Gould interjected.

Hon. D. McL. DAVIS — You have not, and I need only make the point to the Leader of the Government that many questions that I and others have put on notice have been answered in an incomplete fashion. The questions have been relisted on the notice paper so as to get full and complete answers, but sometimes even then full and complete answers have not been provided.

For example, questions on notice asked by me that have not been fully answered relate to the secondment of public service staff into ministers' offices and the employment of various people within ministers' offices. The government has been tardy and slack in its answers to those questions, which reflects very badly on its commitment, both before the election and at the time of the signing of the Independents charter, to transparency and openness. I do not believe that the government has been prepared to keep its promises.

I reiterate to the minister that questions waiting to be answered concern the audits and prevention methods taken for legionella in buildings including those housing the departments of State and Regional Development, Treasury and Finance, Natural Resources and Environment, Employment and Training, Justice, Premier and Cabinet, and in particular Human Services.

It is a tawdry reflection on the government and on the health minister that he has been unprepared to come clean on the facts surrounding the legionella audits conducted in public buildings, and in particular public hospitals. I ask the Leader of the Government, through the Chair, to attend to this as quickly as possible to ensure that those important questions are answered.

Hon. T. C. THEOPHANOUS (Jika Jika) — Well, what can you say? David, David, David! The honourable member continues to make a fool of himself in this place. I thought he was going to start jumping up and down in his place complaining about the answers, but I notice he did not do that about the answer he received after he asked questions about restaurant accounts for members of Parliament.

On that particular occasion he received very good information, including the fact that the Leader of the Opposition in another place had spent more on restaurant accounts than had the Premier. I am not sure that that was the information Mr Davis was actually seeking, but it shows the government is prepared to put the whole lot on the line; it is prepared to put it all down in writing.

I will give the house a history lesson. During the course of the previous government mountains of questions

remained unanswered on the notice paper. When we, as the opposition, tried to get answers the ongoing excuse presented on each and every occasion was, ‘Well, I am the minister in this place and I cannot be responsible for ministers in the other place’. That was one of the answers given. The opposition wants to know what answers were given.

Hon. R. M. Hallam — You never got that from me — not on one occasion.

Hon. T. C. THEOPHANOUS — I do not want to go back through the record, but I can recall minister after minister getting up in this house and saying, ‘Look, I can be held accountable for the questions you ask me, but I cannot be responsible for the others’. In fact, I remember the then Leader of the Government, the Honourable Mark Birrell — —

Hon. D. McL. Davis interjected.

Hon. T. C. THEOPHANOUS — Mr Davis does not like to hear the truth or the answer. He can keep rambling and raving in his little corner, but all he does by rambling and raving is make himself a smaller person. If the honourable member listened he may learn something about the procedures of the house.

On a number of occasions the Honourable Mark Birrell put on the record that the separation of powers between the two houses is fundamental to our democratic system. Even though the opposition has tried on a number of occasions to use this house to bring members of the other house to account it has been ruled out of order constitutionally on every occasion.

Hon. D. McL. Davis interjected.

Hon. T. C. THEOPHANOUS — I will get to that. The first line of defence — —

Hon. D. McL. Davis interjected.

Hon. T. C. THEOPHANOUS — The honourable member had his go and gave a speech that no-one was interested in, so he should listen and learn. The first line of defence was always that the portfolio was not in this house and therefore the minister was not responsible. If the opposition is seeking to bring ministers in another place to account it should move a motion and see whether or not the President rules it out of order. The opposition is not able to successfully move a motion in this house directing a minister in another place. It is not allowed to be done.

I invite the President to comment about this issue at the end of the debate. It is my view that this house can

direct ministers in this place to answer questions on notice, which is fair enough — —

Hon. D. McL. Davis interjected.

Hon. T. C. THEOPHANOUS — Just listen. Many of the questions that the three motions have dealt with apply to ministers in another place.

I invite the President at the end of the debate to indicate to the house how it is possible for there to be laid before this house answers to questions on notice that are reliant on answers being provided by ministers in another place. This motion is only in order to the extent that it is directing ministers in this house and not in another place. Again, I invite the President to indicate his view on these issues at the end of the debate.

As I said before, the first line of defence of the previous government was the division of powers argument — that you could not force ministers in another place to give answers to questions. You could seek for ministers in this place to continually request information from ministers in another place, but you could not force ministers in another place to answer questions.

The second line of defence offered by the previous government was always that there were a large number of questions seeking minute detail about expenditure. In fact, 164 questions on notice were provided with this answer:

This is one of a large number of questions seeking minute detail about expenditure on communicating with the people ... The government cannot justify the waste of public time and resources on answering these questions.

That is the answer the previous government gave consistently, and in this instance, to 164 questions on notice. I did not hear Mr Davis complaining about that, and it may have been good if he had complained to the previous Kennett government that it should be accountable. Had it been accountable in the way it should have been, honourable members opposite may not be on that side of the house but still in government. The fact the Kennett government refused to be accountable was one of the reasons why the people of Victoria, quite rightly, threw it out of office.

The Honourable David Davis has been given an extraordinary amount of information by the government. Sometimes he does not like the information he is given because it reflects on his own side. Nevertheless the honourable member has been given a huge amount of information at considerable cost to the taxpayer, and information will continue to be given on responsible questions asked by the opposition. Moreover, the specific questions to which he seeks

answers are really catch-all questions that the honourable member asks of every minister — the same question of all ministers. As I said before, some ministers are in another place and some are in this place. I am sure the government is seeking to coordinate this massive amount of information and the responses that the Honourable David Davis requests and that he will be provided with appropriate responses in due course.

Motion agreed to.

Hon. T. C. Theophanous — On a point of order, Mr President, during the course of my contribution I asked whether you would clarify an issue. I did not want to raise it as a point of order but I am happy to do so. My concern is that in each of these three motions a direction is implied which asks ministers in this house to lay before this place responses to answers from another place.

I ask for your direction on the division of powers between the two houses as to whether if a minister is unable to obtain the information from another minister in another place they are in breach of this motion or whether the house has the power to request that a minister in another place provide information to a minister in this house for them to table.

The PRESIDENT — Order! Honourable members will recall that yesterday when I was asked to make a ruling on this general issue, I pointed out that we have to rely on the precedent of the Senate because that is where standing order 71AA is derived from and that there were no previous rulings of this house when the issue is taken to this stage.

In the ruling made by Senator Margaret Reid, the President of the Senate, which I read to the house yesterday, no differentiation is made between the destination of the questions — whether it is to a minister from the House of Representatives or the Senate.

In a similar situation which arose in the New South Wales Parliament, where this issue was the subject of legal proceedings that went to the High Court of Australia, the High Court ruled that the house had full power to regulate its own proceedings. In that case, the Egan case, I think cabinet documents were being sought from Treasurer Egan. There is no —

Hon. T. C. Theophanous — He was a member of the upper house.

The PRESIDENT — Sure, but there is no reference in Senator Reid's ruling which makes the distinction

the honourable member seeks to make, nor is there anything in *Odgers' Australian Senate Practice*, which is mainly written by the very experienced Mr Harry Evans, which makes that distinction. I do not uphold the point of order.

MEMBERS STATEMENTS

Catholic Church: sexual assault allegations

Hon. K. M. SMITH (South Eastern) — I raise a serious matter in regard to the *60 Minutes* television program of the past couple of weeks, the interviews with Archbishop George Pell, the following newspaper reports about sexual assaults against children by Catholic priests and the Christian Brothers, and the denial by the church of the problems and the way it acted on those problems.

Mr President, you would be well aware that from 1993 to 1995 the Parliament conducted an investigation through the then Crime Prevention Committee and tabled a report in Parliament on the issue of sexual assault against children. We found that the church was not as forthcoming as it should have been when it came before the committee. Monsignor Gerry Cudmore who was at that stage the Vicar-General of the Catholic Archdiocese of Melbourne came before the committee. We had great problems with Gerry Cudmore, and we did not believe that he told the truth to the committee although he swore on a stack of Bibles at the start that he would tell the truth, the whole truth and nothing but the truth.

The truth is that the protocols of the Australian Catholic Bishops Conference have —

The PRESIDENT — Time!

Chances for Children

Hon. B. W. BISHOP (North Western) — I inform the house of a tremendous project, Chances for Children, that will celebrate its first birthday at the Grand Hotel in Mildura this Saturday night. Chances for Children is an initiative of the Sunraysia Rural Water Authority, Lower Murray Water and First Mildura Irrigation Trust in partnership with Mallee Family Care. In its first year Chances for Children has raised over \$1 million to assist in the education of children who for whatever reason cannot share in education facilities many members of our communities take for granted.

The project assists children across all sectors. For example, a young person who may not want to

complete high school because of the prohibitive costs of a tertiary education may get advance guarantees that if they pass their tertiary entrance examinations they will get to university. Young people with potential in sport, music or other cultural pursuits may be assisted. Chances for Children may pay the costs of a teaching aide, buy a computer, pay for an air fare or assist with accommodation costs, thereby providing real chances for children.

This wonderful project, which is chaired by Mr Eddie Warhurst, a former mayor of Mildura Rural City Council, has been blessed with the generosity of many people and organisations and many stories can be told of that generosity across all sectors of our community. The federal government has already contributed to this worthy cause and we are still trying to encourage the state government to put up its contribution.

The PRESIDENT — Time!

Bryan Martyn

Hon. KAYE DARVENIZA (Melbourne West) — I want to pay tribute to a constituent of my electorate, Mr Bryan Martyn. In recognition of his tireless work over many years for the local football club and his contribution to the community more generally the Hobsons Bay City Council has renamed the Newport Oval in Market Street the Bryan Martyn Oval.

Mr Martyn was 71 years old, and some two and a half years ago he was diagnosed with cancer. He had been the focal point for members, players and supporters of the Newport sports club. The extension of the club's rooms would never have happened if not for his successful lobbying of the council and local businesses. As well as this he contributed some of his own money and the materials needed for the extensions and worked on the building himself.

His family describe him as a man who loved life, people and football, particularly the Newport sports club. Bryan made an outstanding contribution to the community and truly deserves this honour, which acknowledges all that he did for his community and the Newport sports club.

Kangaroos: control

Hon. PHILIP DAVIS (Gippsland) — I raise a matter concerning the management of our wildlife. Honourable members will be well aware of the gross overpopulation of kangaroos on the Puckapunyal army base and that there is a program in place to eliminate 15 000 of those kangaroos over the next several months. This brings into contrast the ludicrous nature of

our wildlife management practices given there are regular processes in place for culling populations of kangaroos which are too large, and there are good arguments that we should be introducing legislation into Parliament to consider, as South Australia has, a kangaroo industry.

Kangaroos are far more benign animals for the natural environment than cloven-hoofed animals such as sheep, goats and cattle, and Victoria would be well advised to consider the benefits of kangaroo protein which is available for the restaurant and supermarket trade and is a very valuable product in terms of international exports. So we should look at this issue seriously in the forthcoming months.

Kevin Riordan

Hon. E. J. POWELL (North Eastern) — I wish to pay tribute to the late Kevin Francis Riordan, who lived in Shepparton all his life and died suddenly at Epworth Hospital on Monday, 3 June, aged 81.

The Honourable Bill Baxter and I attended his funeral in Shepparton last Friday. The church was full of people paying their respects to Kevin for his enormous contribution to the Shepparton district over many decades. Kevin served his community as a Spitfire pilot with the Royal Australian Air Force after being posted to Britain during World War II. After the war he joined the family footwear business in Shepparton, Riordan Shoes.

Kevin was an excellent sportsman, representing Shepparton in tennis and in golf. He served 25 years on Shepparton council, with three years as the mayor. This was in a ward previously held by his father, John Riordan. He was a member of the Rotary Club of Shepparton from 1965, and had been president. He was a member of the Goulburn Valley Base Hospital board, and served for 50 years. Kevin received the Order of Australia medal in 1984 for his long and distinguished service to the community.

Kevin loved his family, and the members of his family, including his grandchildren, paid testimony to that at his funeral. I wish to pass on my condolences to his wife of 53 years, Lorraine, and his children, Tony, Brian, Lynda, their partners and the rest of his family, including his 11 grandchildren and his step-grandchildren.

Women's suffrage: centenary

Hon. JENNY MIKAKOS (Jika Jika) — On 12 June 1902 Australian women were the first in the world to succeed in their campaign to both obtain the

vote and stand for election to the federal Parliament. I want to pay tribute today to the Australian suffragettes who campaigned for these rights.

When the commonwealth Franchise Act was passed some contributors to the debate suggested that civilisation as we know it would end if women obtained the vote. Today's *Age* reports that the pioneering feminist Vida Goldstein was seen by her contemporaries as:

... a dangerous woman, a 'social despot' dedicated to the overthrow of the family.

Victorian women did not get the franchise for state elections until 1908 and the right to stand for election until 1923. It was not until 1933 that the first woman, Lady Millie Peacock, was elected to the Victorian Legislative Assembly. Women were not elected to this house until 1979, with the election of Joan Coxsedg and Gracia Baylor.

I am proud of the Australian Labor Party's record of preselecting women: the results speak for themselves in this chamber today. However, women comprise only 25.75 per cent of the current Victorian Parliament, despite comprising over 50 per cent of our society. Clearly all political parties need to do more to achieve parliaments representative of our society. Victorian women expect equality of opportunity in all its forms, and this should include paid parental leave, equal pay and equal representation in Parliament.

Women's suffrage: centenary

Hon. D. McL. DAVIS (East Yarra) — I join my colleague today in celebrating the passing of the commonwealth Franchise Act in 1902, a momentous day for Australia. As has been pointed out already, it was not until 1933 that women were elected to the Victorian Parliament and 1979 that they were elected to this chamber. The Adult Suffrage Bill was not passed until 1908 in Victoria, which was unfortunately the last state to pass a bill giving women suffrage.

I seek the house's indulgence in incorporating into *Hansard* a chart that lays out the periods in which these important events took place.

Leave granted; see chart page 1947.

Hon. D. McL. DAVIS — I also want to make the point that of course New Zealand was a little earlier, but Australia did lead the field in that period and should continue to lead the field in this area. I join with my colleague in saying that we ought to ensure that representation across this community reflects the

community fully — that means that women will be more adequately represented.

Since 1944 the Liberal Party has had a principle of equal representation in the party, but still there is more to do. I am sure that most honourable members will wish to join me in supporting the achievement of these aims.

Lara secondary college

Hon. E. C. CARBINES (Geelong) — Last Friday I was very pleased to accompany the Minister for Education Services and the honourable member for Geelong North to the site chosen for the new Lara secondary college.

We were joined by students, teachers and parents of the two great Lara state schools — Lara Primary School and Lara Lake Primary School — as well as representatives of the community who had all come to witness the minister turning the first sod on the site so that construction could commence. Construction of Lara secondary college will fulfil an election commitment made by the Bracks government to the people of Lara, who have for many years sought secondary education provision in their township. Recently an information evening was held for grade 6 students who will commence their secondary education at Lara secondary college next year. The new principal will shortly be announced, with the curriculum and staffing planning for the 2003 school year at Lara secondary college to follow.

I would like to pass on my congratulations to the Lara community for the realisation of their dream — Lara secondary college.

Deputy chief magistrate: libel claim

Hon. B. N. ATKINSON (Koonung) — I wish to comment briefly on a case in the Supreme Court involving a damages claim payout to Jelena Popovic. At a time when we are debating public liability and the need for fair and adequate compensation for pain, injury and suffering in different circumstances it is rather extraordinary to get this decision out of a libel case, particularly when the subject of the legal action was an article by Andrew Bolt in the *Herald Sun* which simply sought to scrutinise decisions, views and judgments of Jelena Popovic. The paper and the journalist have had judgments made against them on claims that Ms Popovic's reputation was damaged.

I believe that members of this house, and indeed members of the community, believe in the need for robust debate on matters that come before the judiciary

and on the behaviour and decisions of members of the judiciary. They ought not be protected. In this particular case the judgment of \$250 000 is far too high, and I guess it is somewhat poetic that this decision should have been from Mr Justice Bongiorno.

The PRESIDENT — Time!

Women's suffrage: centenary

Hon. D. G. HADDEN (Ballarat) — This year marks 100 years since women gained the right to vote and sit in the federal Parliament.

Since 1856 there have been 44 Victorian premiers over 54 parliaments with just one female premier. In August 1990 Joan Kirner, AM, was voted the first woman premier, having been elected in 1982 to represent Melbourne West Province in this place.

It is 69 years since the first female was elected to the Victorian Parliament. On 11 November 1933 Lady Millie Gertrude Peacock of Creswick was elected to represent the electorate of Allandale in rural Victoria. The first woman who stood for federal Parliament was the late Vida Goldstein, who unsuccessfully contested a Senate seat in 1903.

In Victoria women gained the vote in 1908 but could not exercise that right until 1911. It took 128 years for women to be elected to this place. In 1979 two women were simultaneously elected: Joan Coxsedge and Gracia Baylor. In 1999 we saw the first woman gain the office of Deputy Speaker in the other place, Judith Maddigan, and the first female Leader of Government in this place, the Honourable Monica Gould. Three of the eight women Bracks government ministers sit in this place.

With 27.3 percent of women members in this place and 25 per cent of women members in the other place there is still a long way to go before we reach 50 per cent. As spoken by the suffragettes:

This is what it should be and this is what we are going to have and woe betide anyone who doesn't deliver.

ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL

Second reading

**Debate resumed from 11 June; motion of
Hon. C. C. BROAD** (Minister for Energy and Resources).

Hon. ANDREA COOTE (Monash) — I am pleased to speak on the Environment Protection

(Resource Efficiency) Bill. The Liberal Party will not be opposing the bill.

The purpose of the bill is to introduce sustainability covenants into the Environment Protection Act. The bill adjusts the structure of statutory bodies involved in waste management and waste management planning. It will increase landfill levies; give additional funding to regional authorities, Ecorecycle Victoria and the Environment Protection Authority (EPA); and set up the sustainability fund. The bill also repeals the Litter Act and incorporates its provisions into the Environment Protection Act.

While I am pleased to speak on the bill, at the outset I wish to speak about the process of the bill. It is a very cumbersome and unwieldy bill and the process of getting it to this position has included a series of debacles.

Firstly, there was a lack of consultation by the government with significant corporations and organisations in our community, including the Victorian Farmers Federation, surprisingly, and large companies which will be affected by the bill, including Timbercorp. I am also aware of several Victorian local councils that were not included, which is a surprise considering that large parts of the bill deal directly with local councils. Sadly no draft bill was produced and therefore the opportunity for widespread discussion on the bill across the community was never a reality. As I progress honourable members will see how difficult this has been.

The Environment Protection Authority, which was established by former Premier Bolte many years ago and has been enhanced by subsequent Liberal governments along the way, opened itself up for criticism in dealing with this bill. It was criticised for getting opinions only from its friends and from people who it felt would be in agreement with it rather than from a whole range of people. Indeed, this is not good for the long-term credibility of the EPA.

Last week, during the last week of the autumn sitting, the bill was rushed through the Legislative Assembly. It was disgraceful. A number of honourable members had quite a lot to say but they were curtailed and were only able to speak briefly on relevant aspects of the bill. The bill was not brought on for debate until 11 o'clock at night and was rushed through because it had to be dealt with as a matter of urgency. There was a sunset clause in the bill and if it had been invoked Ecorecycle Victoria would have lost significant funding and would not have been able to pass on those funds to regional

and local government waste management projects which in turn would have been severely affected.

For the government to leave such significant bills with significant impacts until the very last minute shows a lack of credibility and a lack of organisation. The government left it until the death knock, until the last minute, so that it had to be rushed through, which is a great pity for a bill as intricate as this.

There is another rather puzzling aspect to the bill. The second-reading speech in this chamber refers to a sustainability fund. I will read it because it is perplexing. The second-reading speech says:

The bill also establishes a sustainability fund to ensure that a portion of levy moneys is made available for projects and initiatives that will foster the environmentally sustainable use of our resources and best practices in waste management ...

That is all very fine, but on reading through the bill nowhere — not anywhere — can I find a reference to the sustainability fund. However, clause 35(2) on page 42 of the bill substitutes section 70(6) of the Environment Protection Act. That new subsection refers to money paid into the environment protection fund. It would have been very pleasing if the minister had got her terminology right and clarified that anomaly between the second-reading speech and the bill. I suspect that the environment protection fund referred to in the bill is indeed the sustainability fund referred to in the second-reading speech. It would have been better had that been clarified from the outset.

The other very perplexing aspect of this bill is the enormous number of significant amendments that were made to it in the other house not only by the minister herself — it is extraordinary to think that she was bringing in her own bill at the death knock, at 11 o'clock at night, and that she was still making amendments to it — but also by the honourable member for Gippsland East and by the honourable member for Doncaster, who is the shadow minister.

I say it is perplexing because the second reading of the bill was moved in this house last night and, as the Honourable Peter Hall and I discovered, the second-reading speech read out by the Minister for Energy and Resources was identical — verbatim! — to the second-reading speech that was read in the Assembly last week. That is extremely concerning because, as I have mentioned, significant amendments were made to the bill in the other house and they were not referred to at in the second-reading speech in this house.

That is an example of the sloppy legislation that is produced by this government at the last minute with no proper detail. It is a hallmark of the Bracks government.

I will talk about the nature of some of those significant amendments which were not even brought up in the second-reading speech in this house because, as I said, it is of major concern. This government prides itself on introducing sustainability covenants that will be progressive and says they will be something we should be proud of and that will make Victoria the benchmark for the future. However, this New Age, high-tech government does not even mention anywhere in this bill using the Internet to publicise these sustainability contracts, and indeed it took the shadow minister to propose that initiative in the form of an amendment which was agreed to in the other house.

The minister talked about the clarification of the bill as it relates to the primary production industry. If she had bothered to speak to the Victorian Farmers Federation — the peak organisation for the farming industry — in the first place, she would have realised there was a need to include that clarification in her legislation.

This government, which prides itself on being open and transparent, has neglected to put the legislation and the covenants on the table and invite submissions on them. The government itself might use the rhetoric of being open and transparent, but the reality is that when it comes to the crunch it does not follow its own words, and that has been seen in relation to other bills that have come through this chamber as well.

A reading of the *Hansard* transcript of the committee stage of the bill in the other house was extremely interesting. Indeed, the shadow minister, Victor Perton, is to be congratulated on forcing the minister to make several amendments, including simple things like providing for the publication of the summary of submissions, which is something one might think would have been included in the bill. If the bill had not been so rushed and if the minister had given it wider publicity, these sorts of loopholes would have been fixed at the appropriate time.

The Minister for Environment and Conservation has access to a huge department and to the parliamentary draftspeople and an enormous backup staff. The shadow minister, on the other hand, has none of those resources and none of those staff. Yet he was the one who introduced several amendments to deal with housekeeping and administrative deficiencies in the bill which he recognised but which had not been seen by anyone in government. It is, once again, sloppy and

inaccurate legislation and the minister is to be condemned for the way she brought it in.

The sustainability covenants are dealt with in part 2 of the bill under clause 5, and they are quite interesting. Companies will be encouraged to develop sustainability covenants which will be like contracts with the Environment Protection Authority by working with the EPA to identify ways in which to increase their productivity without increasing their impact on the environment. In addition, the companies will increase their long-term sustainability, again without impacting further on the environment, and they will be encouraged at the same time to increase the efficiency of their resources.

There has been widespread acknowledgment that sustainability covenants are very good things to enter into, and I add my praise for them because they are a very good initiative. I will read from some media releases by industry groups that support this initiative. The first is from the Packaging Council of Australia, which is already using a covenant — the national packaging covenant. It is interesting to read what it had to say about how that covenant works. In fact, I see no reason why a sustainability covenant based on this national packaging covenant would not work in the same way.

The media release, which talks about the experience of the Packaging Council of Australia with the covenant, is written by Gavin Williams, the chief executive officer, and states:

The national packaging covenant, which was formally inaugurated in August 1999, is a tripartite agreement involving commonwealth and state governments, local government and industry. It already has a number of significant achievements to its credit:

It has attracted nearly 500 signatories of which over 450 are companies and industry associations — a record for an agreement of this type covering packaging.

These companies cover the major consumer product brands as well as every sector of the packaging supply chain — raw material suppliers, packaging manufacturers, packaging users and retailers.

The experience of the national packaging covenant allows companies to respond in a manner tailored to meet their own circumstances — but it does require a company response. Voluntary agreements of this type are flexible and can more easily accommodate the different circumstances of individual companies.

If we get those sorts of signatures on the sustainability covenant I think we will be looking very good. I remind the house that these sustainability covenants are voluntary, as are the national packaging covenants.

In a media release of 9 May the chief executive of the Plastics and Chemicals Industries Association, Mr Martin Jones, states:

... the voluntary sustainability covenants contained in the government's Environment Protection (Resource Efficiency) Bill would provide statutory recognition for environmental leaders and progressive industries.

Finally, I refer to a comment in a media release of 9 May by Greg Bourne from BP Australia. He is to be truly commended on the work he has done for the environment and in the recognition of business and industry working with government to develop the triple bottom line and to work towards making a sustainable environment. The media release states:

According to Mr Bourne, 'The statutory sustainability covenants proposed in the legislation represent a visionary concept that strikes the balance between the need for government to recognise environmental leaders and the need to regulate recalcitrant members of an industry. To have these important functions embodied within one statutory tool is a major step forward'.

I think the Liberal Party would agree with that.

During my research I came across one interesting example of a method that would be part of the sustainable covenants. It is from a Jamie McKellar, managing director of the Alex Fraser Group. In talking about how his industry would be able to be eligible for one of these sustainability contracts, he says:

It is industries like ours that represent the way of the future. For example, our demolition service recycles concrete, brick, rubble and steel into a wide variety of new projects including freeways, roads, fill, hardstand areas and municipal infrastructure works projects.

Most companies will now start to have a closer look to see what they can do to be part of the sustainability covenants.

In part 3 of the bill, under the heading 'Waste management and resource recovery' division 2 refers to Ecocycle Victoria and further strengthens the powers of Ecocycle. The explanatory memorandum on clause 17 states, in part:

The division requires Ecocycle Victoria to prepare and submit a draft solid industrial waste management plan to the authority for approval and outlines the matters the plan needs to address. The division also outlines the consultation Ecocycle Victoria must undertake prior to submitting a draft plan to the authority. The division provides for the review, amendment and life of the plan.

It is very pleasing to see this included. As I said at the outset, there has been some suggestion that the EPA favours its friends and does not look wider. Clause 17 ensures the importance of enhancing the transparency

of the process and that it becomes a vital part of the process. Previously we had problems when there were too many conflicts in governance and conflicts of interest. There were people who were developing the plans, and it was their charter to police those very same plans. The clarification in the bill is to be encouraged.

Division 3 of part 3 deals with regional waste management groups. It goes into great detail about some of the changes that will be made to local government and clarifies waste management functions. For example, clause 18 amends section 50F of the principal act, which clarifies, as stated in the explanatory memorandum:

that regional waste management groups formed under this section are public bodies ... of the Financial Management Act 1994.

Clause 20 is explained as amending the act:

... to provide that the functions of regional waste management groups are to plan for municipal waste, to coordinate the activities of its members to give effect to state policies, strategies and programs relating to waste and to foster and facilitate best practices in waste management.

Clause 24 is to:

... provide a draft business plan to the minister and to require that the final plan submitted for approval must include any amendments required by the minister.

It is extremely important to include that detail in the bill.

Clause 31 amends:

... schedule 1 to the Local Government Act 1989 to clarify that the functions of councils include the management, collection and disposal of municipal waste and resource recovery and recycling.

Many councils across the state welcome those additions.

Division 4 of part 3 of the bill is headed 'Landfill levy'. Presumably the thrust and spirit of this bill will encourage municipalities and communities to look at the long-term treatment of our waste products. I think it is admirable to make certain that we address this issue. We need look no further than our rubbish collection in our homes and in our communities. Victorians are notoriously successful in handling their rubbish extremely well. We are to be commended on our recycling of paper, glass and a number of other recyclable things.

The spirit of this bill is quite good. However, it lays open the concern about the bill being a tax. Landfill Victoria, which is an amalgamation of people who are

managing landfill areas, gave me a letter it had sent to Dr Rob Joy, the deputy chairman of the EPA. Landfill Victoria had not been included in the consultation process — yet another significant group that had not been consulted. It has a number of concerns, but the concern I will read to the house is set out in a letter of 6 May from Sam Bateman, the chairman of Landfill Victoria. He states:

The landfill operators have not yet been given the opportunity to comment upon the proposed changes in landfill levies. They would be supportive of such moves provided a portion of the landfill levies were hypothecated to a financial assurance fund.

The lack of consultation is a problem and, as I suggested earlier, the bill could be seen as another tax by default. I will detail what the changes will mean.

At present in the city it costs \$4 to dump each of industrial and municipal waste; that will increase to \$15 and \$9 respectively. In the country it now costs \$2 for each of industrial and municipal waste; that will increase to \$13 — a huge step — for industrial waste, and to \$7 for municipal waste.

We therefore have to be very careful that this is not seen as a tax by default; in fact we have seen a few of these creeping in through this high-taxing Bracks government.

Part 4 deals with litter. I do not know what everybody else's letterboxes are like, but on the weekend I took an audit on my own. The Thai restaurant was advertising, as were two pizza shops, a massage parlour — massages at home — the *Melbourne Weekly*, the *Stonnington Leader*, three real estate brochures asking 'Do you want to sell your house?', someone advertising gardening services, and Target. There were also inserts in the *Age* — I recall they were something to do with computers — and, once again, Target.

I will quote from an article in the *Sunday Age* of May 26 which gives some of the statistics to do with litter in this state and, indeed, Australia. Under the heading 'That's the stuff', it states that 23 000 deliverers are employed in delivering this material in Victoria, which is quite a considerable amount. I praise this bill as amended. The Legislative Assembly passed an amendment which dealt with identifying who was responsible for delivering this information and who was responsible for making litter. It clarified that the deliverers did not have to be so treated and that the producers will be responsible. The article states:

Across Australia there are about 6 billion pieces of junk mail distributed to letterboxes each year of which about 25 per cent go into Victorian homes.

The industry is worth about \$500 million in Victoria alone, growing by about 7 per cent each year and employing 45 000 people around the state in production and delivery.

So this is an enormous — absolutely huge — industry that we are dealing with, and as we empty our letterboxes next time we must think about all these people. It goes on:

More money is spent nationally on retail advertising through catalogues than any other medium, accounting for 56 per cent of the market.

Those statistics are interesting to read.

In the same article the Environment Protection Authority deputy chairman, Dr Rob Joy, said these laws — that is, the bill we are speaking about at the moment:

... were aimed at stopping distributors who did not comply with the distribution industry's code of practice.

It's very much attempting to cover the ad hoc and cheap distribution of advertising material, which is thoughtlessly stuffed into every mailbox that can be found ...

Probably all of us here would concur with just that. It was interesting to hear the honourable member for Gippsland East comment about political material, which he justified as junk mail. However, I know that at election time when I hand out political material, as do many other people in this chamber, constituents get a lot of information they do not normally get. Most Victorians are very pleased to get that information.

There has been a cultural change in the way we deal with litter. It can be seen when going into a park. If we can cast our minds back about 10 years, when we went into a terrestrial park we would find rubbish tins. You can go into those national parks today and there is not a rubbish tin in sight because the public have been educated to take their rubbish out. We now do not have unsightly and unseemly rubbish tins in parks. There has been a cultural change which has happened through progress, education and information. The delivering of and dealing with litter through the guidelines provided in this bill will certainly help effect a cultural change along the same level here in Victoria, and it will be pleasing to see that.

I am mindful of time, because we have other significant bills to debate today, so finally I will refer to an article in the *Stonnington Leader* of April 15 headed 'Anger over "ugly" posters'. When I speak about cultural changes, this article highlights how this bill through

education and information will produce changes. The article written by Alison McClelland states:

A South Yarra resident is leading the push for the state government to crack down on illegal posters, which he says are ugly and attract from the municipality's appeal.

Noel McWhinnie said he was fed up with the unsightly advertisements being placed on poles and buildings throughout the city.

He said he was particularly annoyed that the posters, many of them promoting night clubs and rave parties, were being stuck up along residential streets ...

...

Stonnington council urban and public spaces manager Trevor Griffin said the council's hands were tied when it came to prosecuting the people responsible for the posters.

We are dealing with some of those aspects here today. The article continues:

He said the council wrote to the government last year, urging the law be reformed to enable the councils to prosecute the operators of the venues or events promoted in the posters.

We are seeing some of those issues addressed here today.

Finally, part 5 of the bill deals with miscellaneous amendments. I will not go into those at this point because it takes up time in the chamber. However, I want to say in summary that this is an important bill. It is cumbersome, and it has had a very slow gestation in one sense in that it has been cumbersome and difficult to deal with, but it covers aspects all of us can feel will take us into the future.

I am particularly pleased to see the sustainability covenants, and indeed I look forward to a future in Victoria where we can see businesses being revered for the good work they have done at this level. I commend the bill to the house.

Hon. P. R. HALL (Gippsland) — I got annoyed when I listened to the second-reading speech delivered in this chamber last night. I was not annoyed with the minister who was delivering the speech because I acknowledge that the minister did not have total responsibility for the carriage of this bill — that is the responsibility of the Minister for Environment and Conservation in another place — but with the content of the second-reading speech. I took a point of order and pointed out to the house that I did not believe the second-reading speech reflected in total the contents of the bill before the chamber. In fact, the second-reading speech was exactly the same as the second-reading speech delivered when this was debated in the

Legislative Assembly last week. In that debate a total of 21 amendments were proposed to this bill.

There were 12 amendments put by the government and every one of those amendments was accepted. There were nine amendments moved by the opposition and seven of those were accepted. There were amendments to amendments, so it was quite a complicated procedure. There was a total 21 amendments to the bill debated in the other place and 19 of those were accepted. I acknowledge that five or six of those were purely consequential amendments, but a good number of them were significant amendments that added substantially to the bill before the chamber; yet the second-reading speech did not reflect those changes.

I am not saying that this speech was inaccurate; I am saying that the second-reading speech delivered in this chamber last night was deficient in its description of the bill's contents. I am certain that any ministerial adviser who sat down to write a second-reading speech with the amended bill in front of them would have changed the contents of that speech significantly. It is sloppy; it is tardy work on behalf of the minister's department and I do not think it reflects well on the government.

That is why I am annoyed that members of this chamber have to put up with that sort of sloppiness and tardiness from this government. It is certainly not the first instance of second-reading speeches being deficient in this chamber. Honourable members will understand my annoyance because this, as I said, was a complicated committee procedure with 19 accepted amendments; therefore one had to go back and try to understand exactly what those amendments meant to the new bill. There was no time allowed for a ministerial briefing on the amendments. I thought there may have been some explanation of the amendments in the second-reading speech, but alas, no. It was debated last Thursday in the other place, we had a second-reading speech around midnight last night and at around 4 o'clock today we are expected to fully understand the impact of those amendments and debate them. I say that is not good enough, and that needs to be said before we even talk about the content of the bill itself.

We are told that this bill aims to achieve greater efficiency in resource use and to reduce waste. The National Party has no argument whatsoever with promoting greater efficiency in resource use and it has no argument whatsoever with reducing waste. The National Party has a proud record of promoting efficient use of natural resources and there is no clearer example than the topic honourable members were debating in the house this morning — that is, the timber

industry. For too long much of the resource in the timber industry was wasted, left to rot on the forest floor or burnt as a by-product of logging operations.

The National Party advocated long and hard that the government needed to allocate that resource for the purposes of low-grade timber extraction or for woodchipping; it was a terrible waste of a natural resource. It was after the insistence of the National Party over a long period of time that that issue was addressed. The National Party has no problems with the concept of greater efficiency in resource use, nor does it have problems with the concept of reducing waste.

This bill attempts to tackle that issue of efficient resource use in several rather indirect ways. There are four main areas of the bill: firstly, it covers sustainability covenants where this concept is being introduced for industries and companies; secondly, it clarifies the roles and responsibilities of regional waste management groups; thirdly, it progressively increases the landfill levies over the next six years; and fourthly, it incorporates the Litter Act into the Environment Protection Act, with increased penalties for various littering offences.

I will make some general comments about the development and consultation process associated with this bill before I delve deeper into other aspects. From the outset significant concerns were expressed by some local councils to the National Party about the lack of consultation leading up to the introduction of this bill. These concerns have been mounting. The National Party has received representations from a number of local government organisations and from one regional waste management group suggesting that the consultation process has been grossly deficient.

The first council I refer to is the Horsham Rural City Council which has been very vocal on this issue. The council wrote to me on 4 June 2002 about the Environment Protection (Resource Efficiency) Bill, and in part its letter said:

Council considered this matter at its meeting on Monday, 20 May 2002, and again on Monday, 3 June 2002, and resolved to ask the Minister for Environment and Conservation, the Honourable Sherryl Garbutt, MP, to hold over the bill, for the time being, to allow for Victorian councils and the Municipal Association of Victoria to be given further time for a consultation period to examine the full financial costs and implications for local government of the legislation.

The council also encloses the letter that it wrote directly to the minister on 22 May of this year, outlining in detail why it believed the consultation process had been deficient and stated that councils had not been given an

opportunity to have the implications of this bill fully explained to them.

Part of the criticism that the National Party has heard from various councils is also a criticism of their peak body association, the Municipal Association of Victoria. They do not believe consultation between the members of the MAV or the Victorian Local Governance Association (VLGA), the two peak bodies, has been adequate and many councils believe they have been left in the dark.

As I said, Horsham Rural City Council has been very vocal on that issue, requesting that the bill be held over. The council had an article in the *Wimmera Mail-Times* of 24 May 2002, talking about things like landfill costs that will be added to the operation of waste management within its municipality. It says in part:

Of equal concern is the lack of consultation with municipalities in the Municipal Association of Victoria.

The article goes on to say:

Cr Bernard Gross said councillors and waste managers had not received information on the legislation until the past few days.

That was by courtesy of their local member, the honourable member for Wimmera in the other place, Hugh Delahunty. Had it not been for Mr Delahunty alerting the council to this matter, no-one else would have. So there is a local member doing his job very effectively and efficiently. Thank goodness he is, because no-one else is consulting with the Horsham Rural City Council.

Similar concerns have been expressed to me by the Northern Grampians Shire Council. Some concerns were expressed to me by the Goulburn Valley regional waste management group. One email, which was sent to the Honourable Jeanette Powell and passed on to me by her, talks about:

Unfortunately the EPA and the minister have based this funding provision on historic costs and the Batagol review —

which was a review of the regional waste management groups —

which are about 18 months out of date.

There have been cost increases since then and we are attempting to have the figures raised by 10 per cent to more properly reflect the real costs involved. This would mean that the funding allocation should be \$3.08 million and \$1.3 million respectively.

That quote refers to the distribution formula of landfill levies where it is proposed that regional waste

management groups will get \$2.78 million and there would be a further \$1.2 million for regional education officers. The Goulburn Valley regional waste management group believes that the basis for calculating those figures is incorrect and therefore the figures themselves are in error. The group believes that because the data is out of date there should be some revision of those figures, so its concern is with the proposed dollar distribution of the landfill levies.

I have also had some correspondence, once again through the Deputy Leader of the National Party, from the Shire of Campaspe, which expresses concerns about the distribution of funds from the landfill levies. It believes that a fixed percentage amount rather than a dollar amount should be distributed to the regional waste management groups.

Today I received correspondence on the letterhead of the Hepburn Shire Council, but signed by and on behalf of a number of councils, including the Buloke Shire Council, the Campaspe Shire Council, the Gannawarra Shire Council, the Greater Bendigo City Council, the Loddon Shire Council, the Macedon Ranges Shire Council and the Mount Alexander Shire Council. The letter is addressed to the Minister for Energy and Resources, because she is the minister handling the bill in the chamber today. Copies of the letter were sent to my colleagues the honourable member for Bendigo West and Minister for Local Government in the other place, and the Honourables Bill Baxter, Ron Best, Barry Bishop and Jeanette Powell, all of whom represent the municipalities that are signatories to this letter. Interestingly, copies of the letter were also sent to the Honourables Bob Cameron, Dianne Hadden and John McQuilten.

Representing a number of councils, the letter seeks:

... to highlight the serious concerns of Loddon Campaspe councils regarding the proposed landfill levy increases being considered by Parliament as part of the Environment Protection (Resource Efficiency) Bill 2002.

Your urgent support in deferring any further action in respect to the landfill levy component bill or legislating on any associated regulations pending further consultation is sought.

This letter was addressed to the minister, so I expect she will respond to it in her summing up of the debate. The letter summarises the views being expressed by councils. It goes on:

There has, however, been little or no consultation with councils in relation to the quantum of the levy increases, the impact of any significant rise in the levy or on the method of redistribution of these additional funds. Discussions were undertaken between the state agencies and the Municipal Association of Victoria in the drafting of the bill, however,

direct input from councils was not sought particularly on those important issues. The majority of councils were apprised of the potential impact of the legislation after the legislation had been passed in the lower house of Parliament.

It is simply not good enough; absolutely not good enough. The letter goes on:

Deferral of the bill and concurrent preparation of regulations will enable councils and waste management groups to fully understand and assess the implications of proposed legislative changes.

I understand the difficulty in delaying this bill. As the Honourable Andrea Coote has noted, there is a sunset provision with respect to funding flowing to Ecocycle Victoria, and if this bill is delayed there is going to be an issue about whether Ecocycle will totally miss out on that funding and whether the government will be able to collect it as one of its windfall gains. The National Party does not want the government to pick up extra windfall gains. Those current landfill levies need to go back into the hands of Ecocycle Victoria and be distributed appropriately to regional waste management groups and projects which various municipal councils have under way. That can be done, and the National Party will seek an assurance from the government that it will be. We can go partway towards meeting the requests of the councils, and that is by ensuring there is adequate and proper consultation on the important regulations made under this act.

As I said, signatories to this letter have asked that the preparation of regulations be deferred because it will enable councils and waste management groups to better understand the total impact that these changes will have on them. We can do that; there is no immediacy to go out and proclaim the regulations that can be made under this act tomorrow. There can be time to develop regulations in consultation with local councils and regional waste management groups, and that is one of the calls which I will get to and what we will ask of the government when I sum up my comments on the bill.

The National Party's first comment on the development of the bill was about lack of consultation. We were given an assurance that all local councils agreed to it. As it turned out, the consultation has been with peak bodies — that is, such organisations as Ecocycle Victoria, the Municipal Association of Victoria and the Victorian Local Governance Association. This government has not gone out and directly consulted with councils, but it should have. Its consultation process is grossly deficient in this regard. It needs to make up a lot of ground to win back the confidence of councils in this matter, and I urge the government to address that matter when they are developing the regulations under this bill.

My next point in terms of the development of this bill was the government's response to concerns raised by the National Party between the time of the briefing and before the bill was debated in another place.

Recognising that many of the councils were concerned about the distribution of funds collected by landfill levies and acknowledging that the distribution formula is framed by regulations made under the act, I sought from the ministerial adviser an assurance from the government that if after 12 months the distribution formula proved to be deficient by disadvantaging some local councils or regional waste management groups a review of that distribution formula should take place after 12 months.

I did not think that was an unreasonable request. I thought it was very modest to simply say, 'If it does not work and 12 months of experience tells us that it is not working properly, please give us a guarantee that you will review the distribution formula'. And yet there was not a response from the government on it. All I got back was a general bit of muck to say that the government had agreed with the MAV and VLGA, and that is where it would stand. That is all I received!

No recognition of a direct request shows once again the arrogance of the government in dealing with a very modest request. That will not go down well with councils. We sought a solution to the problems, which was to say, 'The government reckons it has got it right, let it go for 12 months and if it is not working bring it back and change it'; yet even that simple request, made on behalf of the councils we represent in country Victoria, was knocked back by this government.

I do not think it is without significance that all the councils that expressed concern were rural councils, even though the National Party did not receive every concern expressed by a rural council or a rural waste management group. I think there are some implications of this bill for country municipalities that need to be seriously considered.

My third point about the development of the bill is the government's lack of consultation with the Victorian Farmers Federation. Once again the federation was not included in the original group being consulted about the bill, and it was only after the bill was introduced into the Parliament that the opposition and the National Party raised it with the VFF. Consequently, a hurried meeting was arranged between the government and representatives of the VFF and as a result some amendments were drafted to address the concerns of the VFF. The government, however, was negligent in its

level of consultation with a significant rural group about this bill.

I have already commented about my fourth gripe: the business of how the bill was developed and how it evolved. A large number of amendments were moved in another place less than a week ago and the guillotine was used by the government in that place so that there was not fair, proper and full debate on all those amendments. It is extremely difficult when five days later we are expected to stand up here and fully understand the implications of those amendments and debate them. The government has not got a good record in the way this bill has been developed, and the concerns expressed by many are well founded.

The bill has four main areas and the first one I want to talk about is the sustainability covenants, which are covered in clauses 5 to 8. Proposed section 49AA amends the Environment Protection Act to define in part what sustainability covenants are, but a reading of proposed section 49AA is not all that elucidating. The proposed section states:

A sustainability covenant is an agreement under which a person or body undertakes —

- (a) to increase the efficiency with which the person or body uses resources to produce products or services; and
- (b) to reduce the ecological impact of those products or services and of the processes by which they are produced.

An agreement is between two parties, or sometimes three or four, but in this case we are not told which parties the agreement is between. It was only through my questioning at the briefing that I found out that it is envisaged that a sustainability covenant will become an agreement between a particular business or industrial group and the Environment Protection Authority (EPA) as the other signatory. So that is what a sustainability covenant is.

The second-reading speech emphasises that sustainability covenants are going to be voluntary, and throughout the length of the speech we read of the voluntary nature of the sustainability covenants. However, a reading of clause 5 of the bill will show from its headings alone that the voluntary nature of the sustainability covenants is not quite so voluntary after all. For example, the heading for proposed section 49AD states 'Declaration that industry may have a significant impact on the environment'; proposed section 49AF states 'Authority may require statement of ecological impact'; and proposed section 49AG states 'Statement of ecological impact

may also be required if industry fails to create covenant'.

I note that proposed section 49AM refers to offences attracting penalties of up to 2400 penalty units, which is \$240 000. Who was talking about harsh penalties when we were debating forestry legislation and the action of protesters this morning? Under this legislation people who do not quite fit in with the EPA's so-called voluntary requirements could face penalties of up to \$240 000! The legislation has a heavy-handed approach and that it is far from voluntary. I will come to the government's response to those claims in a minute.

I return to the words 'ecological impact' for a moment. It has been mentioned a couple of times in my contribution and is mentioned in the bill itself. What is an ecological impact? It is the first time I have heard this term used. Is an ecological impact statement equivalent to an environmental impact statement? We have heard of those, but not an ecological impact statement. There is no definition in the bill as to what form an ecological impact statement may take. We do not know what sort of imposition the requirement to produce an ecological impact statement will have on an industry or a business that is required to do so. Do not be fooled, in some cases a business or company can be required to produce a statement of ecological impact, as proposed section 49AF clearly states.

So there are some concerns, I would say valid concerns, by industry that this is a very heavy-handed approach and is far from voluntary as described in the second-reading speech. What has the government's response been to that heavy-handedness claim? First of all, the sustainability covenants to which the EPA is a signatory must now be made public. That was one of the significant amendments moved in the other house when the bill was debated. It is quite significant and certainly improves the bill. Another response was that a declaration made by the Environment Protection Authority must be laid before the Parliament and is subject to disallowance by either house. Once again, that is a more than appropriate measure; at least the Parliament will be able to judge for itself whether such declarations by industries are necessary.

Thirdly, in response to issues raised by the Victorian Farmers Federation and endorsed by the National Party in its briefing with the government there will be an exemption for farms and farmers. Essentially their associated industries will be exempted from any implications of sustainability covenants. That provision is found in subsections (6) and (7) of proposed section 49AD, which state:

- (6) The Authority may not recommend to the Governor in Council that a declaration under this section be made in respect of a primary production industry.
- (7) For the purposes of sub-section (6), a primary production industry is an industry that is solely or substantially engaged in agricultural, horticultural, viticultural, fishing or similar activities.

The National Party is very pleased that the government has seen fit to introduce this amendment; it is welcome. It is an amendment which the National Party thinks the government should be crowing about and should have put in the second-reading speech. It is a good amendment, and the speech should have described the industry exemption provided under this section.

The last comment I want to make about sustainability covenants relates to the government's claims that it has received widespread support from industry groups. Indeed, included in the media package associated with the bill were press releases from the Plastic and Chemicals Industry Association, BP Australia, Visy Recycling, the Packaging Council of Australia, and the Alex Fraser Group — one of Australia's oldest recycling businesses, all supporting the notion of sustainability covenants. I noted with interest that every one of those press releases was dated 9 May 2002. If that is not an orchestrated campaign of support, quite frankly I do not know what is.

I do not deny that there are industry groups which support sustainability covenants but this is a blatant exercise by the government to orchestrate a support campaign. At least they could have put different dates on them or something like that to make it look as though they were different. Goodness me! I have not seen industry groups other than those whose press releases were contained in the media package coming out strongly in support of this new notion of sustainability covenants. I think it is good that in their own self-interest industries want to encourage better and more efficient use of their resources and improve their waste management practices. Many of them do that voluntarily; they do not all need this new notion of sustainability covenants to do it.

The next area of the bill relates to regional waste management groups. A number of amendments have been made which better define the roles and responsibilities of such groups. Some of them are significant. For example, regional waste management groups will now be responsible only for municipal waste management planning with responsibility for industrial waste management planning to be undertaken by Ecorecycle Victoria. Some of our country councils have raised some concerns about that provision. They

argue that it is difficult to separate municipal and industrial waste in smaller communities and believe that regional waste management groups should play a role in industrial waste management planning. I think that is a valid point put forward by many of those country councils. I trust that Ecorecycle Victoria will consult closely with the regional waste management groups to ensure that they also have some input into industrial waste management planning.

Under the bill regional waste management groups will be able to appoint people other than councillors as members. In addition, the groups will be restricted from being involved in commercial non-core activities. That provision is contained in clause 26 of the bill. Once again the government moved some amendments to this provision in the other place to address some of the concerns raised by regional waste management groups. Some of those groups actually operate landfills and that could well be defined as a commercial exercise. They raised that concern and there is now an exemption in clause 26 under which they will be allowed to operate their own waste management facilities. That is a sensible amendment, and one I thought the government would have liked to mention and perhaps describe in the second-reading speech.

I turn now to the section of the bill concerning landfill levies. Just as a bit of background, landfill levies were first introduced for Melbourne, Geelong, Ballarat and Bendigo in 1992. In 1996 landfill levies were introduced for the rest of Victoria. What are called schedule C premises in the metropolitan area, Geelong, Ballarat and Bendigo have a municipal waste charge or landfill levy of \$4 per tonne and an industrial waste landfill levy of \$4 per tonne. The equivalent rates in other regional waste management groups are \$2 per tonne for municipal waste and \$3 per tonne for industrial waste.

Proposed schedule D on page 40 of the bill shows that by this legislation those landfill levies will be progressively increased over a period of six years. Therefore, people living in Melbourne, Ballarat, Bendigo or Geelong will see their municipal landfill levy increase from the current \$4 a tonne to \$9 a tonne by July 2007 and the industrial waste levy will rise from the current \$4 a tonne figure up to \$15 per tonne. In other regional waste management areas the current \$2 a tonne levy will go to \$7 a tonne and the industrial waste levy of \$3 a tonne will move to \$13 a tonne over a period of six years. These are significant increases in the landfill levies. Let's hope that this increase in landfill levies does not provoke people to dump rubbish in areas other than landfills. Let's hope the provision achieves its objectives.

It is fair to say that regional waste management groups have received their fair share of funds flowing back from the landfill levy. Some of the groups in country Victoria have received more than the funds that they have actually put in for landfill levies. But that is due to the increased costs for waste collection and disposal in some of those country areas, particularly the collection and recycling costs where the markets are not always evident and where the volume of recyclable waste does not always make it economical. Certainly there are increased costs to rural councils for collection of waste and for recycling products.

I mentioned in passing that the funds collected from the landfill levy will be distributed by amounts described in regulations. In 2002–03 it is proposed that regional waste management groups will receive \$2.78 million to cover administrative funding. The government claims that this \$2.78 million is an increase and will mean that member councils will not have to add their own funding to cover the administrative costs of regional waste management groups, although in one circular from the government I note that either they will not have to or they will need to put in a reduced amount — I am not sure which is the case. — It strengthens the argument to have this distribution funding formula reviewed after 12 months because that is a concern that is being expressed by many councils. It is a modest request, as I said before. Let us accept the government's figures for the first 12 months; if they prove to be deficient thereafter we can review them.

The moneys collected through the landfill levies will be paid into a sustainability fund. It is unfortunate that this fund uses, in part, the same name as the sustainability covenants because they have got absolutely nothing to do with each other and they are confusing to a person who is reading the bill.

Project funding will be paid out of the sustainability fund according to the guidelines. At the time of the briefing, again there were no guidelines produced; nobody had any idea what sorts of projects might be funded from the fund. Since the briefing the minister's adviser has provided me with the draft guidelines for the use of funds within the sustainability fund and I sincerely hope these draft guidelines and information are matters that will go out for consultation with councils and regional waste management groups. It is absolutely imperative that as the organisations involved in waste management they have some say in how funds collected from the landfill levies are distributed and used.

For those of us who represent country electorates we know that many of our councils have huge problems in

the rehabilitation of landfills and bringing landfills to a standard to meet Environment Protection Authority requirements. There are significant costs in developing that infrastructure and certainly we in the National Party advocate strongly that some of the funding from the sustainability fund should be used to assist country municipalities in ensuring that their landfills and their waste management methods are supported financially by moneys collected through the fund.

The bill also says that the Minister for Environment and Conservation and the Treasurer will have control of the sustainability fund, although now another significant amendment put and passed in another house by the government itself sets in place the formation of an advisory committee to advise on the distribution of moneys from the fund. While that is welcome it does not mean that the Treasurer or the minister need take the advice of that particular advisory committee. We hope the sustainability fund does not become a slush fund used by the government to prop up certain seats prior to an election. Let's hope the advice of that advisory committee is taken seriously and the Treasurer and the minister act on that advice rather than on any other political objectives they might have.

But why is there the need for such a fund and why the need for a new committee to assist in advising on the distribution of the fund when Ecocycle Victoria is a perfectly competent organisation that has been involved in assisting with capital works funding for waste management projects already? Maybe its act needs to be amended slightly to accommodate this new function, but the people are there — they are already in place and they have a proven track record of understanding these matters. We in the National Party believe Ecocycle Victoria could have well been used by the government as the committee or organisation which allocates funds from the sustainability fund. I think there is some danger in having the Minister for Environment and Conservation and the Treasurer totally and ultimately in control of how these funds are being spent.

The last section in the bill I wish to deal with concerns litter. As I said in my opening remarks, part 4 of the bill provides for the Litter Act to be absorbed into the Environment Protection Act. Some of the important features of this part are that it doubles the financial penalties for littering, and that is welcome. Bill posting will now be classified as littering, and that is certainly a problem in all metropolitan areas and rural towns. The proliferation of advertising material posted in public places is often an eyesore and needs to be controlled; it will be an offence to leave advertising material in letterboxes marked 'No junk mail' or 'No advertising material'.

In response to comments made by the Honourable Andrea Coote on this issue, whenever I go letterboxing — and I usually do it around election time — I never put political material into a ‘No junk mail’ letterbox anyway. I think the intent of people who place those signs on their letterboxes is probably that they receive nothing other than addressed mail and local newspapers. I advise people working for me not to put my political material in such letterboxes. The changes to the Litter Act are sensible. Litter is becoming an increasing problem and we need to ensure that penalties are such as to deter people from actively engaging in littering.

I have covered the areas of concern and expressed the views of the National Party. However, if we are to give our full support to this bill there are several requests I make on the party’s behalf. Let me repeat: we share the concerns expressed by a number of local councils — and the number is not insignificant nor is the fact that those concerns have been expressed by rural councils. We make two requests of the government. First, we call on the government to give a commitment to review the distribution formula, which is made by the regulations after 12 months if it is proven to disadvantage rural councils and/or rural waste management groups. That is the first request and I am requesting that the minister respond to that in her summing up of this debate.

The second request we make of the government is to guarantee that regulations made under the act are at all times subject to consultation with local councils and regional waste management groups and not just the peak organisations that represent them. That is a very modest and fair request.

With those provisos the National Party will not oppose this bill but will look forward to the response by the minister at the conclusion of the debate.

Hon. GAVIN JENNINGS (Melbourne) — Last Wednesday, 5 June, was World Environment Day, but today is my environment day. I have spoken in the chamber earlier today on a forestry matters, and I am speaking later in the day on the marine parks legislation and I have great pleasure in talking about the Environment Protection (Resource Efficiency) Bill. This is a positive approach to the government’s triple bottom line undertaking to resource use in this state. We understand that this triple bottom line or objective to try to meet environmental, social and economic outcomes at the same time is not necessarily a risk but an opportunity. We embrace that concept. The logic that underpins this legislation clearly recognises that this government embraces the opportunities for our economy and society, and ultimately to our

environment, provided by the introduction within the sector of efficient resource use, effective, sustainable practice, the reduction of waste, and technologies and innovations.

If honourable members look at the various mechanisms contained within this legislation they will find a mix of legislative initiatives to try to underpin that development into the future. There is an increased capacity in a number of circumstances for more regulation and scrutiny to be applied in various aspects of the bill. It contains mechanisms for the funding of innovation, particularly that relating to new technology and new resource use within our community. The government is trying to encourage the take-up rate of Victorian companies, community organisations and local government to respond to the advances that innovation may bring to their practices. We understand that this could lead to export potential for the Australian economy, let alone the Victorian economy, in the value of the leadership we could demonstrate to the rest of the globe in this important field.

There are mechanisms in the bill that provide disincentives to behaviour that we hope will change over time — for example, there are taxation measures in the form of landfill levies which play a role as a disincentive to the continuance of current wasteful practices. Within the framework or model that has been adopted by the government through this piece of legislation, we hope to foster a cooperative and productive relationship between the players in the sector: federal government, state government, local government and community organisations right across the board.

We have tried to take all the stakeholders with us but there has been some resistance to that, because some people see this triple bottom line challenge as a risk. They see some danger or potential costs and are not quite sure what the net financial cost to them will be or the degree of complexity or difficulty in complying with the regulations and the new legislative framework. The government responds to that by recognising the concerns out in the community and saying as much as possible that this is a government that wants to take with it all those who are cautious, if not reserved or even cynical, about this exercise. I will also address that issue in my contribution.

This bill contains four particular provisions. The first introduces sustainability covenants which will enable industries to identify resource efficiency gains and reduce their ecological impact. The second provides the opportunity to get the lines of responsibility and accountability straight between statutory bodies that

have a role to play in waste planning and waste management issues. As I have indicated, it includes a series of measures for funding that provide for incentives and disincentives to play a role in changing patterns of behaviour to determine better environmental outcomes. The particular mechanism that will see the transfer of funds from wasteful practices to good practices will be through increases to the landfill levies that apply in Victoria.

The bill brings into its scope for the first time a particular measure to regulate and enforce a tighter regime for the prevention of the proliferation of litter and waste material that pollutes our urban and rural areas alike, with subsequent damage to Victoria's precious environment. Therefore the government embraces this legislation enthusiastically. It provides the opportunity to build on one of the competitive strengths of Victoria, our heritage of fine, constructive and productive relationships that have been fostered over a number of years through the Environment Protection Authority.

It enables us to build on important groundbreaking legislation. On a number of occasions Victoria has been at the cutting edge of environmental standards throughout the globe. I am particularly mindful of Victoria being one of the leading jurisdictions to deal with the question of ozone-depleting substances. On a number of occasions we have played a world-leading position on important legislation such as the bill we are discussing today.

Firstly the bill deals with sustainability covenants. The contribution from some conservative members shows they have some difficulty getting around the concept of sustainability, but it is a core value of the understanding of the government's approach to the environment. The bill provides an emphasis on sustainability covenants being entered into voluntarily. Lots of opportunities are outlined in the bill for companies in particular to take up that opportunity. It comes hand in hand with the capacity for the government to intervene, through the Environment Protection Authority (EPA), and by providing a reference to Governor in Council to have a mandatory description of various industries that may have a significant environmental impact and then within that designation to provide the opportunity for a sustainability covenant to be determined within the scope of the specific designation for that industry sector.

Honourable members should recognise that the government's approach is to say, 'We understand that there is an important jurisdictional underpinning. There have to be some enforcement measures for those who

are not prepared to voluntarily enter into this, particularly for industries that may have an adverse environmental impact. But wherever we can we will try to go down the path of cooperation and the voluntary bringing in of companies to the covenant scheme'. The government draws some comfort in how that may be picked up by Victorian industries by noting the 500 signatories that are voluntarily part of the national packaging covenant. It demonstrates that there is a significant take-up rate within the Victorian and Australian economy of the notion of voluntarily complying with those requirements.

It effectively means that companies that operate within the covenants will be mindful of their environmental impact and take action, once they have described the limits of their environmental impact, to reduce those impacts. So it becomes an action plan that companies enter into an understanding with the EPA that they will comply with that action plan in the name of reducing their environmental impact. It is a simple concept, not necessarily one that the National Party or the Parliament may have a great deal of difficulty in coming to terms with. But the government believes companies throughout Victoria will respond enthusiastically to that opportunity which will lead to the effective development of covenants across a number of industry sectors.

Secondly the bill clarifies the respective obligations of various statutory bodies and organisations that work within the waste reduction sector. In October 2000 the government convened a panel chaired by Cheryl Batagol to review and report on the adequacy of legislative and administrative arrangements. This bill is a response to the panel's considerations and subsequent rounds of stakeholder consultations. This has not been sprung on the Victorian community lightly: it has had a lengthy airing in the public domain.

The government has a degree of confidence that the bill plays a useful part in clarifying the roles and responsibilities in particular of waste management groups, Ecocycle Victoria and the EPA. Regional waste management groups and their member councils will continue to be the key agencies for planning and managing municipal waste. The minister in the other place recognised the significant role that those groups have played in reducing municipal waste to this time and they will continue to undertake that important work into the future.

The government is urging the increased take-up rate for reducing commercial and industrial waste. Ecocycle Victoria will maintain its statutory responsibility for commercial and industrial waste planning and the EPA

will have the ability to recommend waste management policy to the Governor in Council.

Under these heads of powers and appropriate arrangements the government believes the potential for conflict between the groups' primary planning role and commercial waste management activities will be removed because the commercial and industrial side will be handled by Ecocycle Victoria.

If there is potential for conflict of interest, or there may be commercial benefit under these circumstances for commercial industrial activity, then specific provisions in the bill would disallow membership of Ecocycle Victoria for anybody who was in that circumstance.

There has been a vexed issue in the chamber about the matter of consultation up to this point, let alone into the future, particularly relating to the regulations that may operate in those various roles and responsibilities in the future, and particularly financial matters that may impact adversely upon regional councils. That issue has been raised with the government by a number of councils. One has been raised by Victor Szwed, chief executive officer of the Hepburn Shire Council, with the Minister for Energy and Resources, and another under the hand of William Braithwaite, chief executive officer of the Ararat Rural City Council, with the Honourable Dianne Hadden.

In his contribution to the debate today Mr Hall referred to the letter from Victor Szwed on behalf of the Loddon-Campaspe councils, which include Buloke Shire Council, Campaspe Shire Council, Gannawarra Shire Council, Greater Bendigo City Council, Hepburn Shire Council, Loddon Shire Council, Macedon Ranges Shire Council, and Mount Alexander Shire Council. Those councils have been concerned about the degree of consultation that may be involved in the development of regulations that may apply under this section of the act.

I am happy to say that the government is prepared to give a commitment to those councils that it will ensure it involves itself in an appropriate level of consultation with the sector, in particular with the Municipal Association of Victoria, the Victorian Local Government Association and various associations of regional waste management groups on the way in which those regulations and any particular guidelines will be developed and enacted. It is not the intention of the government to enforce those regulations without further rounds of consultation. The government believes that is not sufficient reason to delay the passage of the bill either in the other place or in this chamber today. We confidently believe the bill's

passage should not be hindered by this matter, but will respond appropriately to that call for consultation.

We note on the way through that despite the concern expressed by a number of councils that this may come at a financial cost to them that there may be opportunities for them to be the net beneficiary of the changes to the financial arrangements. What has been provided to me is that currently councils provide a top-up grant to waste management groups of the order of \$1.5 million per annum and that the levy funds that have been identified as part of this bill are of the order of nearly \$2.8 million. It is the assessment of the government that this may mean that councils will not be required to pay that top-up into the future.

It is with some degree of confidence that the government believes that consultation will satisfy those councils that are currently somewhat alarmed and have written to the government on this matter. I have been provided with advice to reassure Parliament and those councils that if any council feels it is disadvantaged by the distribution of landfill levies then they are welcome to contact the Environment Protection Authority for a review of their circumstances, and the EPA will respond positively to that request. The government is confident that the net financial impact upon councils will not be an adverse one.

The third significant element of the legislation is the incentives that will be generated through the creation of funds derived from an increase in the landfill levies. We are a government that is reluctant in many circumstances to increase taxes and charges in the Victorian community, and we have a track record of not having applied many increases to charges during the life of the government, but we believe this is an appropriate circumstance to do so. We do so for two reasons. Basically they fall into the categories of incentives for investment in new technologies and innovation and disincentives to bad environmental and certain waste disposal practices. We confidently believe this approach is appropriate in these circumstances.

We have been concerned that low landfill disposal costs have undermined and continue to undermine efforts to improve standards of landfill operations, have perpetuated poor practices and caused subsequent loss of local amenity, and have failed to meet the community's expectations for reducing reliance on landfills. We believe the progressive increase to landfill levies, which is part of the legislation, will send a clear signal to industry to focus on the future, on new technologies and on more sensitive environmental practices. At the end of the day the application of those standards will reduce the industry's financial costs and

the amount of the net outcome of its payment of landfill levies into the future.

Those increases over the next five years that have been telegraphed in the bill will provide incentive funds to be taken up by companies and local government for them to introduce new technologies, to be innovative in their approach to waste management and to increase the reuse of various items that have been disposed into landfill in the past. We are confident as a government that there will be a significant take-up of those opportunities.

We believe that access to those funds will be administered by an advisory committee to be made up of various stakeholders. The government responds to the challenge of the National Party in particular to ensure that the guidelines applying to the allocation of those funds is transparent and fair. The government recognises that it is incumbent upon the advisory committee to take advice from the Victorian community about what projects, technologies and future industry opportunities it believes are appropriate, and to ensure that the way in which it enters into the allocation of funds for its important work satisfies the expectations of both the government and the community.

The last pieces of significant reform within this legislation are the new regulations that apply to the production and disposal of items that pollute our streets, parks, waterways and aspects of regional Victoria in the unhealthy form of litter. Last year the Environment Protection Authority looked at the legislative basis by which behavioural changes can be enforced to achieve better environmental outcomes. It made a number of recommendations to the government which have been incorporated in the legislation.

If members of the Victorian community wish to have an appreciation of this matter, and if it has not already been drawn to their attention, I encourage them to visit the seal enclosure at the zoo or visit the aquarium and have a look at the side of this litter equation that is somewhat hidden from the public eye. They will see exhibits showing the results of waste that ended up in Victoria's waterways — it led to the unfortunate demise of a number of species and caused great damage to our waterways. Those vivid examples are on display each and every day of the year, I believe, for the Victorian community to see what may be a somewhat invisible but real, drastic and acute issue within Victoria's environment. That reinforces the desire of the government to get on top of that problem and to mitigate against the production and disposal of that material.

There is a requirement in the legislation for those who produce material that may end up on our streets to have a disposal plan worked out. They must be mindful of the way in which their material will ultimately be disposed of, and they can be taken to task if they are not so mindful. Through a combination of measures, both regulatory and enforcement driven, such as the one I have just outlined; through financial incentives for good practices to be picked up and adopted in the development of new technologies; through financial disincentives for bad waste disposal practices; through a cooperative arrangement between local government and the various statutory bodies within this sector such as the EPA and Ecorecycle Victoria; and through arrangements with the industry itself, the government believes that the comprehensive suite of measures outlined in the bill will play a positive role in the immediate and long-term future of the Victorian environment and will add much to the Victorian statutes in providing ways of dealing with environmental protection in Victoria.

For that reason I congratulate all the stakeholders who have worked on the consideration of this bill. Clearly they include the EPA, which has played a constructive and long-term productive role; officers of the Department of Natural Resources and Environment; and the many interested parties in this sector who have played a constructive role. I look forward to the effective delivery of this important piece of legislation.

Hon. G. R. CRAIGE (Central Highlands) — I understand and accept the motivation behind the preparation and introduction of the Environment Protection (Resource Efficiency) Bill. I wish to make only a couple of points with respect to this legislation. By way of explanation, one of the areas I wish to raise relates to clause 5.

It needs to be said that when legislation is introduced that increases charges or places levies on businesses there will be those who see that those charges give them a way to illegally dispose of their waste. I would like to be comforted by the fact that the increases faced by some businesses with respect to landfill levies will not mean that companies that have sat on the outside for a long time will continue to do that but that there will be an increase in the illegal dumping of waste, especially in many of the outlying areas of Melbourne and in some of the closer rural areas. That is one concern of mine. I hope that the authorities are mindful that they must be ever vigilant with respect to enforcing the law regarding the illegal disposal of waste.

The other issue that concerns me is that whenever legislation is prepared in a speedy fashion some parties

are not consulted. Names of organisations that were not consulted have been mentioned in the other place. I know that everyone makes their best endeavour to ensure that all parties are consulted in a proper way. Whether it be the Victorian Farmers Federation or local rural councils that feel they have not been part of the equation it will be incumbent on the government and the authorities to ensure that when this legislation is passed they do become a part of the process. They have some ownership and can be willing partners in the outcome.

At the outset I indicate that I understand and accept the motivation behind the legislation. I raise more by way of clarification than anything else an issue that has concerned me for some time. Many years ago I become concerned about the number of petrol service station sites throughout metropolitan Melbourne and leading into many towns in country Victoria that are left as disgraceful rubbish tips. It does not matter whether it is Euroa, where there are three neglected sites, or Kilmore, where there is one, or other parts of rural Victoria. It does not matter which country town you go into these days there is a neglected petrol station site. Everyone seems to wipe their hands of the issue, particularly the oil companies. They no longer require the sites but because of the cost of rehabilitating them they find it easier to leave them with a fence around them so that they become the local rubbish tip or an eyesore for that town or neighbourhood.

Most people accept it is an environmental issue, but the oil companies have to be brought to task. I believe proposed division 1A, inserted by clause 5, gives the government an opportunity to encourage oil companies — the multinationals that turn their back on country towns and people in this state day after day and who leave those sites because it is cheaper to do so — to be forced into rehabilitating the land so that it is returned to the state it was in before the service station was built. They should be forced to clean up the sites. If the community wants to use them as parks or car parks with concrete or bitumen on them, that is fine, but we should not accept allowing oil companies, which rip motorists off on a daily basis, to treat the community with total disregard. Oil companies have turned their back on these sites and I believe this provision, having read it time and again, gives the government certain powers to act if these companies do not want to come willingly down the aisle and enter a voluntary code.

I encourage the government to use its powers under this proposed division because the industry is clearly responsible for this environmental degradation. The provision will enable the Environment Protection Authority to enter a sustainability covenant with

industry sectors to increase the efficiency with which they use resources to produce products and services and to reduce their ecological impact. I have no doubt these neglected service stations have an ecological impact. Oil companies must take responsibility for the communities they serve and they should be forced to clean up these sites. Proposed section 49AD(1) states:

The Governor in Council, on the recommendation of the Authority, may declare that an industry has the potential to have a significant impact on the environment.

No-one can argue that is not the case with these neglected sites. I encourage the government and the Environment Protection Authority to move forcefully and constructively to fix up a problem that has been ongoing for many years. Not one person in this chamber has not seen what I am talking about. Not one person in this chamber would not have a derelict petrol station in their electorate. It is incumbent on the government to say to the fuel companies that this is the opportunity to clean up these sites, to be responsible for the environment and to enter into a voluntary code. If they do not, let us take the next step.

I am in the fortunate position of leaving this place at the next election. If this is not done in this form through this bill I will be back day after day making sure I get the legislators to do something which I believe is a real blight on our community. I believe oil companies can afford to do it, but they choose not to. That is why the community has to say, 'Enough is enough, leave the land as you found it! It was not like that when the service stations were built'. That is all I want to say about the bill. I understand and support the motivation behind the legislation.

Hon. S. M. NGUYEN (Melbourne West) — I am delighted to contribute to the debate on the Environment Protection (Resource Efficiency) Bill. This is important legislation which shows that the Bracks government is keen to improve the environment in Victoria. Honourable members have commented on the legislation and how we should look after our environment better so that Victoria is greener and better for our community. As honourable members have said, it is important that we involve not only industry but also the community in many projects. We must ensure that members of the community are involved because they will assist us in getting industry involved in improving our environment.

This bill will help to get local government involved, which is important. Every time we have a local council election candidates and the community talk about green issues — the environment, safety issues, health awareness and so on — that are important. We want to

see that local councils in particular look after their constituencies better, especially when dealing with health-related issues.

The environment is an issue that we should look at. The bill highlights the commitment of the government to sustainability projects, to increasing recycling, to effective waste management through the creation and promotion of new ideas and technology, and to stimulating investment in employment as well as growth in environmental management. That is one of the issues. We will not throw money away to clean up the place, but this is the way to turn the growth of the economy into the creation of jobs through the use of new ideas, technology and know-how to make things work better. We are talking about environmental issues. Some people in the community think the government is wasting money — throwing it away — and achieving little. However, recycling and effective waste management is about creating jobs and opportunities to invest in, and that is a positive way of thinking about the environment. The government is keen to encourage that sort of thing so the community can see it is a positive way of life.

The government has to work closely with local councils, which play an important role. Some cities have better environments than others — for example, the west of Melbourne has a lot of chemical companies, oil companies, warehouses and storage facilities. We have a river and a creek and many things need to be done better. The government is interested to see local governments and industry come up with ideas on how the situation can be improved. The government is keen to work with many industries. We have had a lengthy period in which to consult with many industries and organisations such as the Plastics and Chemicals Industries Association, the Victorian Local Governance Association, the Municipal Association of Victoria and the Association of Victorian Regional Waste Management Groups. These are the people working with the government on these issues.

The bill reforms the roles of Ecorecycle Victoria and regional waste management groups. The government would like to see organisations with more power and responsibility to do their jobs. I would also like to mention that the regional waste management groups work closely with Ecorecycle Victoria and the Environment Protection Authority to set up many projects. The bill will improve the Victorian waste management regime by building the capacity of waste management bodies to implement improved waste management practices and by clarifying the roles of each waste management tier.

In regard to litter the government has talked about the visible signs. It is not about just dropping litter on the floor but also sticking posters on walls, which creates an eyesore and is not helpful for shops or shopping centres. People put up big signs and do not bother to take them down. Some posters are stuck on other posters and become dirty and unhealthy. Such things do not help shopping strips. From time to time councils put up signs that say, 'Post no bills' but people still stick up posters and do not take any notice of the bans. The bill will increase penalties for such offences and will help many councils to implement their policies.

The community has to be aware too. In many suburbs you can ring up the council and make a complaint if you see anyone sticking posters on walls in front of or behind shops. People have to report this to the council to make sure the billposters are fined so they will not do it again — otherwise they will keep doing it.

In Footscray some shopkeepers are always unhappy about the number of posters put on their windows or walls. It is important that the community is aware of that too. Some people do not know they could get fined for doing this. They do it because they think it is okay to do it. They think they can get away with it — that no-one will find them. So they continue doing little things like this. It is not helping many business centres, especially when some shops are vacant for a few weeks or months and people just stick the posters in front of the window. This creates a very bad image. I am sure the traders and many local councils would be happy to see people get fined.

In conclusion, the bill shows the government is keen to make places greener, and that it would like to encourage more people to get involved. It is not only the government's responsibility; the community should also be aware of and be part of these programs. There is also an opportunity for jobs. I am glad to support the bill.

Motion agreed to.

Read second time.

Third reading

Hon. C. C. BROAD (Minister for Energy and Resources) — By leave, I move:

That this bill be now read a third time.

In doing so, I thank honourable members for their contributions to the debate. In reference to the matters raised by the Honourable Peter Hall, I draw his attention to the assurances given by the Honourable

Gavin Jennings in his contribution to the debate on behalf of the government.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) BILL

Second reading

Debate resumed from 11 June; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. C. A. FURLETTI (Templestowe) — I am pleased to report to the house that the Liberal opposition supports the National Parks (Marine National Parks and Marine Sanctuaries) Bill. I am also pleased to have the opportunity to participate in this debate on what will be recognised as a historic piece of legislation, not only because of what the bill will implement but, equally significantly, because of the process by which it comes before the Parliament, with bipartisan support and an unusually extensive degree of cooperation between the government and the Liberal opposition.

The Liberal opposition — and I am sure most Victorians — awaits the creation, establishment and development of a world-class system of marine national parks and sanctuaries for Victoria, as well as a well-managed and comprehensive system of protected areas representative of Victoria's biodiversity. These representative samples of the beautiful, distinctive and diverse underwater environments are referred to in the minister's second-reading speech, which I quote:

Rocky reefs and sandy beaches, spectacular limestone canyons and plunging granite slopes, intertidal mudflats and tidal channels, waters exposed to the full force of the Southern Ocean and the more sheltered waters of bays and inlets will all be represented. So, too, will towering kelp forests and seagrass meadows, mangroves and saltmarsh, and an extraordinary variety of fish, corals, sponges and other animals of many colours and shapes, from tiny organisms to large sea mammals such as visiting whales, dolphins and seals.

I regret that, apart perhaps from the whales, dolphins and seals, the rest of that magnificent picture generated by and created in that paragraph of the second-reading speech will be experienced and enjoyed by very few

Victorians, due to the nature and sheer inaccessibility of the areas set aside as marine national parks.

This bill's journey to this house has been long and tortuous. It had its origins in the reference given to the Land Conservation Council in late 1991 — a reference which was reaffirmed by the Kennett government and subsequently by this government.

The report was finally tabled in August 2000 after six formal periods for public comment with some 4500 submissions having been received. In addition, numerous special studies and reports by the Environment Conservation Council (ECC), other agencies, groups and organisations, as well as state and commonwealth governments, have been commissioned and/or considered in preparing the report. That, of course, has culminated in the bill before the house today, and as a result will lead to the acceptance of the establishment of 13 marine national parks representing some 54 000 hectares in area, 11 marine sanctuaries totalling some 900 hectares, 18 recommended special management areas, and 12 recommended aquaculture zones totalling some 2700 hectares, largely in areas already proven for sustainability and success and largely existing aquaculture farms.

The ECC considered and chose to pursue its course of rejecting multiple-use parks and instead recommended fully protected marine parks and sanctuaries. The council argued:

It is a central component of multiple-use planning and management that some areas are specifically set aside for conservation of marine biological diversity.

That is a somewhat convoluted argument and is somewhat difficult to comprehend, given the traditional understanding and the practical application and definition given to marine parks in other states and in other countries. Indeed, if one were to consider one of the principal concerns and objections to the proposal before the chamber today, it is the fact that marine parks in this legislation are synonymous with sanctuaries. A sanctuary by definition is a special place; its literal Latin translation is holy place. When I raised with the government the issue of what was the difference between marine parks and sanctuaries, it was pointed out to me that it was size. I cannot fully comprehend why we have that scenario, apart perhaps from the fact that 54 000 hectares of sanctuary may have been somewhat undervaluing sanctuaries. Nevertheless, that is the position. The council made the recommendation and it has been accepted.

There remains a strong school of thought in Victoria that many activities can continue without affecting or

interfering with the adequate preservation and conservation of that marine biological diversity. There is concern that poor management practices, which have been experienced and continue to be experienced in terrestrial parks — and, of course, native and imported pests which are already prolific as part of our marine fauna — will cause far more damage and destruction than the activities which are prohibited by this bill.

Having said that, let me say that no-one can argue with the prime reason given by the council for the establishment of fully protected marine parks. It is a reason we must keep at the forefront of our minds — namely:

Unless a comprehensive, adequate and representative system of marine national parks with an adequate level of protection is established, we will not be able to hand on to future generations even some limited marine areas where our marine biodiversity is fully protected from human modification and degradation.

That is the prime reason and is something we find difficult to contradict.

It is true that in its report the council's message, from which I have quoted and which is presented in the report as an introduction, indicates:

It is inevitable that, for some, these recommendations and proposals will go too far and for others they will not go nearly far enough.

In the consultation that I undertook and the consultation undertaken by my predecessor, the Honourable Philip Davis, on behalf of the Liberal Party in the course of preparing for this debate and to arrive at our decision to support this bill, we certainly experienced both of those extreme views and very many in between.

It should be noted that in the course of that same consultation a number of groups levelled criticism at the council for not being sufficiently consultative. Numerous complaints were made by many because in the final analysis I suspect that they did not believe that matters would progress to where they have, and they further did not believe that the process would result in their livelihoods, businesses, and indeed in some instances their sheer existences being placed in jeopardy. Multiple use was, and continues to be, strongly promoted in some quarters as the appropriate way to go, but the government has indicated its strong rejection of that proposal, notwithstanding a considerable amount of discussion on that very point.

In the final analysis the government was elected on a policy of introducing this legislation, and although efforts were made to consider a multi-use model, those efforts proved futile.

It is regrettable that the debate on the establishment of marine parks has been conducted in some areas under a cloud of mistrust and, indeed, uncertainty. Many perceive that the bill before the house will be just a first step in a predatory expansion of marine reserves by the government. Concern is rife that there will soon be an extension of the no-go, no-take policy into inland lakes, streams and waterways. I urge the government to dispel those concerns as soon as possible because they do nothing to encourage support for this very historic initiative.

Victoria's rural and regional communities unfortunately see this government as having failed to honour its commitments in the past and as having devastated the timber communities and bush users. The government's conduct in the period it has been in power has not given cause for stability or confidence in Victoria's rural and regional communities.

The original marine parks bill which was tabled in this place in May 2001 was withdrawn by the government after the opposition had made it clear that it would not offer the bill any support because of the flaws and inadequacies in it. I will point out very briefly a similarity between the two bills — which may have been a coincidence or it may have been predetermined — in that the bill before the house has a commencement date, subject, of course, to its passage through this house, of 16 November of this year and the bill that was tabled in 2001 also had a commencement date of 16 November of that year. Coincidence or predetermination as may be, it is a quirk in the two pieces of legislation.

The opposition took umbrage at the original marine parks bill — the bill Mark 1 — for a number of reasons. In the first instance the recommendations of the Environment Conservation Council had been disregarded to the extent that Cape Howe and Ricketts Point were excluded from the original proposals. When reasons were sought for the exclusions the government was unable to come up with a logical or believable explanation.

The main reason for the Liberal opposition having taken such a hard stand with respect to that bill was that it purported to withdraw existing proprietary rights and benefits from individuals whose livelihoods and existence depended upon working in the marine environment. It deprived the employees of those persons of their livelihoods, and it would have had a very dramatic impact on the coastal communities that were dependent upon the maritime industries of commercial and professional fishing. Not only was no compensation offered for those rights in the original

version of the bill, notwithstanding the normal expectation that removal of those proprietary rights should be compensated, but the bill contained a variation to section 85 of the Constitution Act which prevented people from claiming compensation in the Supreme Court, and in those circumstances the opposition took the line it did.

I should put the Liberal opposition's rejection of the original legislation in its proper perspective, because the values and the proprietary rights we were dealing with were not insignificant. For example, rock lobster licences are worth somewhere between \$750 000 and \$1 million; abalone licences today are worth in the vicinity of possibly \$7 million to \$8 million per licence; and, of course, the value of specified area licences would depend on the type of licence, but I am told that the fin fish licences down around Corner Inlet are worth somewhere in the range of \$80 000, \$100 000 or \$150 000 each. So with this legislation we are dealing not only with savings and capital built up over a lifetime, but also with the very fundamental philosophy that individuals cannot be deprived of what they own without compensation. The government's proposals in the 2001 bill were held by the Liberal opposition to be highly objectionable, so we made it clear that we would not be supporting it.

It was interesting that that view was supported by the Scrutiny of Acts and Regulations Committee in its analysis of the bill Mark 1. *Alert Digest* No. 7 of 2001 draws attention to:

The common-law rule that a statute will not be construed to take away the property of the subject without providing a legal right to compensation. Such an intention is not to be imputed to the legislature unless that intention is expressed in unequivocal terms.

In that bill, of course, it was. The committee went on to indicate that there were problems of direct conflict with other compensation measures, such as section 63 of the Fisheries Act which did offer compensation. The committee said in its report:

The committee is therefore unable to determine whether section 85 provisions are appropriate or desirable in all the circumstances.

That meant that those provisions should have been reviewed. It was on that basis also that the Liberal Party opposed the introduction of the bill Mark 1.

The bill before the house is vastly different from that original bill. When the Premier requested the Leader of the Opposition to nominate representatives of the Liberal opposition to liaise with the government with a view to finding common ground on the bill, I was

appointed, as was the shadow minister for conservation and environment in the other place, Victor Perton.

We had some very fruitful and successful negotiations and discussions, but the degree of success was achieved primarily because the Liberal opposition became a conduit for those who were affected by the proposed legislation which had been exposed for public comment. We were able to bring those views to the government, and I am happy to say that to its credit it took on board those issues of livelihood and compensation, and the different needs of different people in different areas. It recognised that the Labor philosophy of one size fitting all was not necessarily the way with this particular legislation.

As I said earlier, the bill is vastly different from the 2001 bill and considerably different from the exposure draft that the government tabled earlier this year.

While my emphasis was on my area of responsibility, which is fisheries and the fishing communities, my colleague the honourable member for Doncaster in the other place was also very vocal and forceful in the area of environment and conservation. We came away from the negotiations knowing that not everyone was happy with the outcome or totally comfortable with the new regime, because for some the only way would have been no change, or the so-called Claytons marine parks.

This bill is not perfect, and it is far from equitable in its structure, but it is infinitely better than the first version. Before going into detail of the bill, I must say that one of the gratifying elements that came through the process was that when it became public that the government and the Liberal opposition had agreed on the in-principle basics of the bill, I received letters of congratulations from both the extreme environmental groups and the fishing industry. That indicated that something had come out right.

Support and congratulations came from many hundreds of Victorians and Victorian organisations — many from ordinary people who had no real idea of the detail in the bill.

In my discussions with Victorians around the state I made the point of asking whether they were part of the coastal community or the fishing community and whether they supported marine parks. It was amazing how many said yes, but when you asked for some details it was also fascinating how poorly informed they really were. I believe the outcome is a very good one for all, and I will discuss some of that detail shortly.

The compensation provisions — the basis for the rejection of the marine parks legislation Mark 1 — are

not what the Liberal opposition would have introduced. While they go part of the way to seeking to compensate those who will suffer from the losses sustained as a result of the introduction of this legislation, they do not go far enough. As I indicated, in our discussions and consultation with those who will be directly affected by the new marine parks, to a man and woman they said they were not interested in compensation. Compensation was not the issue.

The issue was their willingness and their anxiety to pursue the livelihoods which in some cases their families had been pursuing for a number of generations. While compensation is a very significant element of the bill there is no provision, for example, for the buy-out of those who would want to exit the industry. That is a very serious shortcoming in the bill. Nevertheless, given the flexibility that the government showed, and given the minor changes to the boundaries of some very significant fisheries, fortunately the emphasis changed from compensation to allowing those who wanted to continue to pursue their livelihoods to do so.

I am grateful to the government for that, because I spent some months travelling the whole of Victoria from Portland to Cape Howe, and I will speak about that in a little more detail shortly. It was very gratifying, as I said, to be able to communicate with the government, to identify the differences that existed in the various proposed marine parks, to talk to the people who were affected and to urge the government to consider changes. Although not in all instances, in a large number of instances the government heard the voices of those who were affected and recognised the particular requirements and situations that were involved. I will come back to those specific areas shortly.

I was also very pleased that the government considered and eventually introduced an element of compensation for the employees of licence-holders in the fishing industry charter boat operators as well as allowing and making it possible for those who suffer financially to make claims for the losses sustained. That, while not in the legislation, is taken as part of the government's genuine intent. I refer to the second-reading speech where the minister makes it clear that there are programs available:

... to provide assistance to businesses to help them to adjust to the introduction of the marine national parks.

A statutory compensation scheme has been established in the legislation and a variety of government enterprise improvement, regional assistance and employment programs are available through the Department of Innovation, Industry and Regional Development, as

well as offers of support to affected workers in obtaining alternative employment.

Further, the government will provide access to programs to facilitate the adjustment of fishing charter boat operators should it be required; and finally if there are special circumstances or exceptional cases the government will ensure that they will be considered quickly and a decision made whether a specific assistance program is warranted beyond the scope of standard assistance programs. So while it is not in the legislation we are very pleased that the government has seen fit to introduce that broad-ranging and flexible process for people to obtain some sort of assistance or compensation by referring to them in the second-reading speech.

I am keen to repeat that I did not speak to anyone who said, 'Yes, I am happy to put my hand up for compensation'. Everyone who was involved in business wanted to continue their livelihoods rather than to take a buy-out or a handout, so I think that is a significant improvement on the first bill. As I said, it is not what we as a Liberal government would have done, but it is certainly a long way from where we were a year ago.

As I indicated, the concerns expressed by the charter fishing boat operators have been partially addressed. We appreciate the difficulty involved with that, but given what has been included in the second-reading speech we hope that there is some access to programs for them. The \$1000 rebate for people to have their claims prepared for processing by an assessment panel is of course insignificant and inadequate, but it will be for the government to review that as part of its special concern program.

In the course of my discussions concerns were expressed about Point Hicks, for example, being the only safe harbour effectively from Port Phillip to Eden; and so there was an amendment to the original legislation included whereby the Point Hicks Marine Park is now available for anchorage and overnight stopovers. The requirement to annually table reports on the condition of fisheries is also a provision which will allow ongoing monitoring and supervision of the fishing stock.

It is interesting to note, however, that there is no equivalent provision with respect to monitoring and supervising the outcomes for the biodiversity in the marine parks and the surrounding areas. One of the shortcomings is the exclusion of the abalone industry from the sphere of compensation. Given the values that I indicated earlier for abalone licences, that should not surprise. Until this morning, I was reasonably

comfortable with the government's proposal that \$14.3 million had been allocated over a period of four years towards enhancing and ramping up the enforcement measures with respect to illegal fishing of abalone. Since the budget the government has been vaunting and promoting itself and its generosity in making these funds available and promising an extra \$3.4 million per annum on an ongoing and recurrent basis for those measures.

This morning we found out in question time that the government is actually talking to the industry to see whether those costs are to be recouped from the industry over a period of time. I hope that the minister does, as my colleague says, wake up to herself and realise that she cannot have it both ways.

I was particularly impressed with the organisation of the abalone fishing industry and in particular the eastern zone association. The people working there are all very efficient, and I was impressed with the self-imposed restraints and management profiles that they had generated. I think groups like that do not deserve to be kicked; they deserve assistance in implementing their policies. They require assistance to facilitate the areas that they are working in, and they deserve guidance in ensuring that their industries are protected. I quote from the *Economist* an article that is dated almost 10 years ago, March 1994, but is very relevant today. The first quote is about community interests. I have indicated that each community is different and communities work together. The article states:

A community, held together by ties of obligation and mutual self-interest, can manage a common resource on its own ...

That is something I have found in my travels over the last six months or so: communities can actually work together and come up with real and promising management programs. I will quote another paragraph:

Only when fishermen believe that they are assured a long-term and exclusive right to a fishery are they likely to manage it in the same far-sighted way as good farmers manage their land.

Of course that is a relevant consideration in what we are discussing now in terms of licences and quotas. I note the minister is in the house. The quote that the government should recall and I would like to put on record is that:

Fishermen need to believe that the system is fair and their rights are durable, which means, trusting governments to behave with honour and consistency — not something that they find easy.

That is a very telling comment for the government to bear in mind.

The brochures that have been circulated by promoters on both sides, the correspondence that has been sent to members of Parliament, the letters and visits that we have all had from the whole spectrum of those interested in this bill have been taken into account in determining the opposition's position on this bill. The Leader of the Opposition in the other place — the honourable member for Portland — the honourable member for Warrnambool, the honourable member for Polwarth and I conducted meetings in their electorates. The Honourable Ken Smith attended numerous meetings in South East Province to discuss the difficulties his constituents had. Meetings were held in Gippsland, and personal meetings were held with the honourable members for Bellarine, Sandringham, Mornington, Dromana and South Barwon, all of whom contributed significantly to the discussion on the requirements in those areas. Whilst not making everybody happy, I think we have come close to finding a very good balance.

It was a matter of each proposed park or sanctuary having its own peculiarity or idiosyncrasy. In Discovery Bay, for example, the local fishermen had to advise what the coordinates were for Cape Duquesne. The government had a boundary, but the locals said, 'We are happy to have a boundary at Cape Duquesne but you have missed the mark'. Some minor amendment was needed because it was the local knowledge and involvement that preserved the environmental aspect and yet allowed them to continue their livelihoods.

In the Twelve Apostles Marine Park, the fishing boats have to be taken out of the water every night. The government in its initial proposal suggested that perhaps the fishermen could go further out to make their catch. But the reality was that they would have needed bigger boats which would have been difficult to get out of the water and we are of course dealing with the Shipwreck Coast.

I would like to put on record my encounter with a middle-aged abalone diver who came to see me when I visited Warrnambool. He was distressed because he felt he was being forced out of his historic area to dive 80 feet in the tide and that he might have been a little bit past the age where he could continue his livelihood and therefore he stood to lose his house. I think the minor boundary changes in that area have preserved a job for that man.

The Corner Inlet fishers had their own problems, but we got the people together and discussed the issues. They met with the minister and finally were able to come up with a proposal which has been recognised as

a win-win situation for the fishermen in Corner Inlet, while at the same time preserving and protecting the seagrass meadows beneath the sea in that area.

I want to refer briefly to Cape Howe which in the original proposal was excluded and nobody knew why, but there were a few suggestions. The reason given by the minister was that it is remote and isolated. Let me confirm that when I flew down there I found that it is remote and isolated. Whilst we were flying over the marine parks and examining their location, on the border of Victoria and New South Wales at Cape Howe there was a fishing boat. The boat was on the New South Wales side but the air hose went under the state boundary and — guess what? — they were poaching Victorian abalone! That was sufficient to convince me that the proposal put by the local fishermen to maintain a presence there should be supported. When we presented those facts to the government it was happy to support it and I am pleased to put on record a letter from Alan Taylor, secretary of the Eastern Zone Abalone Industry Association, who says:

... thank you for your representation ... The achievement of a win-win situation at Cape Howe is a sensible and much appreciated outcome.

That is obviously gratifying.

Other minor amendments were made to the bill to protect the recreational fishermen who feel so badly left out of all of this. Others will indicate that in reality what appears to be the case is that recreational fishing has been excluded from perhaps 2 per cent of Port Phillip Bay. About 6 per cent of Western Port and a very small part of Corner Inlet are also excluded; otherwise recreational fishermen have substantially the same area they fished before. In the final analysis if we are to believe the government's publicity on the point, some 15 of over 300 fishing spots listed in the *Victorian Fishing Atlas* have been removed.

I was concerned with the plight of Western Port fishermen. Whilst we argued strenuously to achieve some change, the government chose not to. However I did obtain an assurance from the government in the form of a press release from the Minister for Conservation and Environment dated Thursday, 16 May 2002, which I will read into *Hansard* for obvious reasons. In response to the concerns of the Western Port fishermen, as also expressed to me, the minister's press release states that fishing by:

... recreational anglers around Western Port ... would not be prohibited in a series of special management areas proposed by the Environment Conservation Council ...

... fishing in the five proposed special management areas of Honeysuckle Reef, Crawfish Rock, Bass River Delta, San Remo and Rhyll would be banned.

She said that was speculation. She went on to say:

These special management areas have absolutely no impact on recreational or commercial fishing opportunities.

She finished off by saying:

... there will be no restrictions on fishing in these areas — not now and not in the future.

I am happy to place that on the record. It certainly eased the Honourable Ken Smith's concerns and those of many of his constituents.

As I indicated, not everybody will be happy, but I suspect that with the passage of time the creation of the marine national parks, the sanctuaries, the special management areas and the aquaculture areas will prove to be of great benefit to Victoria. It is the first step. I know the government will be flexible in implementing these parks and it will monitor very carefully their impact on Victorian waters. I commend the bill to the house.

Sitting suspended 6.28 p.m. until 8.03 p.m.

Hon. P. R. HALL (Gippsland) — It will come as no surprise to members of this chamber, or to members of the Victorian public, that the National Party will oppose the National Parks (Marine National Parks and Marine Sanctuaries) Bill no. 2, and I will tell the house why. It is because the Minister for Sport and Recreation had it partly right in an answer given to the house recently to a question without notice when he said that at least the National Party is consistent in its views — and it is as far as the government's proposed marine national parks legislation is concerned.

Throughout the course of this debate the National Party in its many submissions to the inquiry by the Environment Conservation Council has steadfastly opposed the model of marine parks, first of all as put forward by the ECC and then as adopted by the government in the legislation before us. It is also instructive to note that in the lower house the bill was labelled the National Parks (Marine National Parks and Marine Sanctuaries) Bill (No. 2) — because it is the second time the government has got it wrong and the second time the National Party will oppose such measures.

In my contribution I will do two essential things: put forward the arguments on which the National Party's opposition is based — and I hope honourable members listen to the contribution, because it is an opposing view

being put forward and different from that of the other parties; and outline the National Party's preferred approach to achieving better marine protection of all Victorian waters.

Before I go to those two areas I will make some general comments about the National Party's overall approach to management of environmental issues and, in particular, to the model for marine environments proposed in the bill.

First, I state clearly that the National Party is committed to greater protection of marine waters. The clear evidence of that is contained in publications the party has put forward: first a marine parks discussion paper, and then an outcomes document from the discussion paper, both published on the National Party's web site and freely available to honourable members and to every other Victorian citizen.

If better protection requires the establishment of marine parks and marine sanctuaries we do not object to the creation of such parks. However, what we do object to, and object to strongly, is the model proposed by this government. The Victorian government model proposes the prohibition of fishing, aquaculture, removal of marine organisms either dead or alive, petroleum exploration in large part, and petroleum extraction from parks and sanctuaries. What we say also is that there is no scientific evidence to prove that the prohibition on fishing, in particular, will improve the marine environment. If there is such evidence, I challenge people to bring it forward during the course of the debate here today. There is no hard, scientific, conclusive evidence.

The National Party argues that marine protection is best achieved by management rather than by prohibition, and that the model preferred by the National Party, which I will outline here tonight, will emphasise the message we wish to deliver: that management, not prohibition, is the key to environment protection.

We have five main criticisms of the government's marine parks model. The first is that the model proposed in the bill is inconsistent with models of marine protection employed in other states, in particular, the states of Western Australia, New South Wales and Queensland, and it is inconsistent with other models used around the world. These models feature multipurpose zoned areas within parks and rely on well-developed management plans to achieve a balance between use, sustainability and preservation of marine environmental values.

In using the word 'balance' I go back to what I said in debate earlier today: it is all about getting a balance, keeping the scales level, getting a balance between conservation objectives and the use of resources in a sustainable way.

The second criticism the National Party has of the model before us is that it promotes fish stock levels as a measure of the health of the marine environment and ignores any measure of biodiversity and marine habitat. Anyone wanting evidence of that can look at division 10 of the bill, which appears on page 66 and is headed: 'Annual reports on fisheries'. That provision requires the minister to report annually on the state of fisheries in Victoria but there is no such requirement to report on other forms of marine biodiversity.

So is this model proposed by the government all about fisheries management or is it about total marine biodiversity and habitat protection? We say this model is weighted towards fisheries management and that fisheries are unfairly focused on as a target of the government in this issue.

I am not going to refer to many quotes or comments from the vast number of letters I have received on this subject because they literally run to more than 1000 pieces of correspondence. I have chosen three to quote from in my contribution tonight. To emphasise the point that the bill is all about fisheries management rather than the total protection of the marine environment I will refer to comments forwarded to me from Mr John McDougall of Rhyll on Phillip Island. John is one of those many people who have put in an enormous amount of effort to try to get some commonsense into this debate. The fact that he has failed to get some commonsense arguments into the minds of government and opposition members is not his fault. His efforts have been magnificent. He says in comments dated 30 May:

This bill does not amend the Flora and Fauna Guarantee Act 1988 for the reporting of the status of 'biodiversity (other than fish) and habitat'. It is blatantly clear that the ECC marine and coastal and estuarine investigation was for the conservation of marine biodiversity and habitat as required by obligations under the following national and international strategies and conventions ...

He lists them in this letter. He goes on to say:

As the bill presently only amends the Fisheries Act (1995) and not the Flora and Fauna Guarantee Act (1988) the legislation is only half complete in realising the ECC objectives for the conservation of the marine environment. There is also no directive within the legislation for the minister of DNRE to provide reporting on the assessment of marine biodiversity, (other than fish), or marine habitat, nor for that minister to have regard for the reports.

He is absolutely correct. There is no obligation under this bill for the government to report on marine biodiversity or habitat. That is where it fails to take a holistic approach to protecting the marine environment, and that is how it unfairly focuses purely on one thing only, and that is the status of fish stocks in marine waters.

I pay the greatest of compliments to people like John McDougall and the many other members of the public who have contributed to this debate. Mr Rob Harrison is another gentleman who comes to mind, but there are many, many others who have made a great effort to try and bring commonsense to this debate, and I commend each one of them for that.

The third criticism of this government's model is that proposed section 17D(3)(c), which is inserted by clause 6, requires the secretary to prepare a management plan for each park and sanctuary. However, there are no details on what matters are to be covered by a management plan, how the plan is to be prepared or what consultation there will be with the public in general. Further, there is no time frame for the making of such plans. It is a very loose commitment given by the government in this bill that requires the secretary of the department to develop management plans. We say that is a most crucial aspect of marine protection. Management planning and implementation, the one thing that will perhaps improve and protect the marine environment, is grossly deficient in this model put forward by the government tonight.

My fourth criticism is that this model ignores other factors that impact on the marine environment such as pollution in its various forms — that is, from sewage outfalls, stormwater drains, nutrients, exotic species and catastrophic events like oil spills. Once again there is no recognition that any of those factors should be incorporated into a holistic approach to the protection of the marine environment. We have some loose comments in the second-reading speech which make vague reference to those areas, but there is no legislative commitment by the government to address issues associated with pollution which impact far more on the environment than the act of fishing. The National Party says that is therefore a gross deficiency in this model.

My fifth criticism of this model is that it proposes a very limited and unjust compensation scheme. I will talk in a little detail about the compensation provisions in the bill, and moreover talk about some of the compensation provisions which we believe are missing from it.

When you talk about compensation you have to talk about why it is necessary to have it in any piece of legislation. The only reason is that it implies there is an impinging of the rights of people to otherwise go about their lawful business. That is the case in this legislation. The government is providing a limited and unfair form of compensation purely as a recognition that it is impacting on the rights of people in the community.

The provisions for compensation are contained in part 3 of the bill, which amends the Fisheries Act. That part forms the bulk of the bill before us. Clause 27 has in its heading the term 'transitional provisions', which in itself is fairly instructive. It says that compensation will apply only for two and a half years or up to three years in total. After the three years it is a matter of, 'Bad luck, guys, you are on your own. The government will not wear any compensation or reimburse you at all after the three-year period'. This is not a buy-out, it is a transitory compensation position for a maximum of three years.

Compensation is only available to rock lobster and other specified commercial fishery licence holders. It is available for reduced catch as well as increased operating costs, and to use the words of the second-reading speech:

... that can be reasonably attributed to the fishing prohibition applying to the marine national parks and four ... marine sanctuaries ...

That in itself poses a lot of questions, and I am sure the Compensation Assessment Panel and ultimately the Compensation Appeals Tribunal is going to have a hell of a lot of work to do in trying to make some assessment as to what can reasonably be attributed to the fishing prohibition applying to the marine national parks and four marine sanctuaries.

I will refer briefly to the compensation formula on page 37 of the bill, and as a former maths teacher I can say it is complicated. The mathematical formula given for reduced catch entitlements is:

$$W \times X \times \left(1 - \frac{Y}{Z}\right)$$

where —

W is the whole or the part of the difference in catch that can reasonably be attributed to the fishing prohibition so applying ...

That is a very subjective assessment, and W is going to be hard for many people to work out.

Hon. R. A. Best — Plenty of variables.

Hon. P. R. HALL — The bill continues:

X is the estimated weighted average beach price ...

Once again, it is the estimated weighted average price. As the Honourable Ron Best says, it is another variable that will be the subject of a lot of discussion in the compensation panel and the tribunal. The formula continues:

Y is the operating costs ...

What factors are included in the operating costs? Do they include the interest that a fisherman might incur because of the debt he holds due to the purchase of equipment to operate his licence?

Hon. W. R. Baxter — Depreciation.

Hon. P. R. HALL — Depreciation could be another component. Once again depreciation is — —

Hon. W. R. Baxter — Excluded.

Hon. P. R. HALL — Thank you, Mr Baxter. It is excluded by definition. I am sure there are many components of operating costs that are not included in the formula. The formula continues:

Z is the gross revenue ...

All I can say about the gross revenue is that for most of those fishermen the gross revenue is going to head in a downward direction.

This is a complicated mathematical formula which is based on estimations and very subjective judgments and which is going to make it extremely difficult for professional fishermen to gain compensation before the appeals panel and, ultimately, before an appeals tribunal. When the poor old commercial fisherman goes to the tribunal panel he will have to take with him a lawyer and an accountant — and he will probably need to take a mathematician as well to try and work through those complicated formulas.

An honourable member interjected.

Hon. P. R. HALL — Yes, which is about the cost of about an hour or two, or half an hour, with a solicitor.

On the issue of compensation that I have mentioned in passing, proposed new section 184(1) of the bill establishes a compensation assessment panel, and proposed new section 190(1) establishes a compensation appeals tribunal.

A measure of compensation is available on the basis of increased cost to eligible charter boat operators, a new change from when the first bill was introduced. However, there is absolutely no compensation available for abalone licence-holders, there is absolutely no compensation available for recreational fishermen and there is absolutely no compensation available to affected communities or businesses related to recreational or commercial fishing which may well be impacted upon by the creation of these marine national parks and marine sanctuaries. That is why we say that these provisions are unjust and unfair, and many people will be significantly disadvantaged because of them.

I wish to make this comment also about compensation, something which we would not wish to discuss: compensation means that you are taking away a right from somebody. Of all the consultation the National Party undertook on the bill there was not one fisherman — recreational or commercial — and not one small businessman — whether they operated a caravan park or a bait and tackle operation or a charter boat operation — who wanted compensation. They wanted the right to fish and the right to conduct their business in the way that they traditionally had. They do not want compensation.

As I said earlier today, the government is developing a compensation culture — throw a few dollars at the problem and it will go away. It will not go away. People will see through that. Compensation is a short-term measure that has no long-term benefits for the communities that we represent.

I also want to talk about the lack of compensation payable to abalone licence-holders. There is no form of compensation for them in the bill, yet I heard by way of comment from the Honourable John McQuilten — and I hope he joins the debate later — that he went to Mallacoota and consulted with some of the abalone divers in the eastern zone and that the impact of these proposed marine parks in East Gippsland will mean they will have their quota reduced by 7 per cent — that is, the catch available to them will be reduced by 7 per cent.

I was a mathematician. I worked out that 7 per cent of the \$6 million minimum licence price is \$420 000. Each of those abalone licence divers will suffer a \$420 000 capital loss on their licence. There are some 70 abalone licences across the state. If, as Mr McQuilten says, each loses 7 per cent of their catch, then that is a total loss in the capital value of their licence of something like \$28 million to \$30 million. Yet what does the government throw up in terms of compensation? Its last budget estimated that

\$3.4 million will be available for compensation measures in the next 12 months to people undergoing these transitional measures. Yet the abalone licence-holders alone will suffer a capital loss of the order of \$30 million.

This government is saying, 'Bad luck, fellas, you can wear that capital loss'. The government is providing no compensation whatsoever to them. We in the National Party say that that is an absolute disgrace, an absolute abrogation of its responsibilities as a government.

That being said about compensation, I recap exactly what the bill does. It adopts some — I stress 'some', and not all — of the recommendations put forward by the Environment Conservation Council to create 13 marine national parks and 11 marine sanctuaries as described in schedule 1. The boundaries of those parks and sanctuaries are to a depth of 200 metres below the seabed and 3 nautical miles out to sea. It is claimed that these areas currently occupy only 5.3 per cent of Victoria's marine waters.

But they are the prime fishing areas in Victorian waters, and it is interesting to note that because of that they are deemed to be subject to further protection. It does not make sense: if they are in need of protection, why are they prime fishing areas now? There is no logic in that whatsoever.

Many parts of Victoria's coastline are inaccessible to both recreational and commercial fishermen, sometimes due to the lack of an access track and sometimes because the rugged coastline simply makes it impossible for people to get there. Many of the areas around the Twelve Apostles in your electorate, Mr President, are inaccessible to both recreational and commercial fishing. Not only 5.3 per cent, but a significant part of the prime fishing areas along the Victorian coast will be prohibited under this legislation.

This is not the end of the issue. No honourable member would reasonably expect that 13 marine national parks and 11 marine sanctuaries will be the end of it. From experience we know that every year the terrestrial national parks in Victoria have increased. Over the years parks have been added to and new ones have been created, and the government has proposed a whole new series of terrestrial-based national parks for central and northern Victoria by the end of the year. We know this is only the start and that soon the government will come back to the Parliament with legislation to create a further series of marine national parks.

The Victorian National Parks Association, in its *Nature Conservation Review Victoria 2001*, proclaimed

exactly that. Pages 8 and 9 of the summary document to that extensive report show maps of Victoria's coastline, and some 26 areas — not 13 — are nominated as potential marine and coastal areas for inclusion within a system of marine park areas in Victorian waters.

If the Victorian National Parks Association has its way, within a couple of years you can bet it will be pushing for a doubling of the size of marine national parks. Page 9 of the review lists them all, and honourable members with a coastal electorate should look at it. Some of the proposed parks will be in their electorates, as they are scattered all along the Victorian coastline.

It is also interesting that there are no additions to the marine national parks in Port Phillip Bay other than those proposed in the bill. I would have thought that Port Phillip Bay would be a prime area in which to create a marine park. There is a great need to protect the whole of the waters of Port Phillip Bay, and the National Party would not argue against all of Port Phillip Bay being declared a marine park — so long as a management plan was developed for it and so long as it allowed for a variety of uses.

As has often been said, Port Phillip Bay is the jewel in Victoria's crown. It is a great untapped tourism asset, and it needs protection — yet the government ignores it. The marine parks model in the bill ignores the very important function of protecting some of the prime marine areas in this state.

This bill will not be the end of it. There are 13 parks, but I bet we will be back in this place next year for the government to add another couple, and a year after that there will be a few more. After that, I am sure they will be consistently added to.

What are you allowed to do in marine national parks? Let me come at that another way by saying what you are not allowed to do. You are not allowed to fish, remove shells or undertake any aquaculture. You can undertake recreational boating, but you might be prevented from mooring your boat in some areas.

An honourable member interjected.

Hon. P. R. HALL — Yes, you need a licence to do that. People may even be able to take their personal water craft — jet skis — into marine national parks and marine sanctuaries, but they will be subject to a management plan when it comes in some time down the track. You are allowed to dive in both those areas and to swim with the dolphins.

One would think that given the prohibition of some of the things I have mentioned you would be unable to lay

cables and pipelines through a marine national park — but yes you can, if the minister allows it. It is as simple as that.

Petroleum extraction — no, you cannot do that; exploration — yes, if you do it by vessel or aircraft, and extraction may be undertaken by directional drilling so long as it is more than 200 metres below the seabed. This bill has a lot of inconsistencies, particularly with cables and pipelines and use of personal watercraft: you may be allowed to use them but you will not be able to drop a line from a recreational boat.

I have listed the criticisms the National Party has of this model. It is an unfair model that discriminates particularly against professional and recreational fishermen and, as I said before, it ignores some of the larger issues that impact upon the marine environment.

I now want to put forward some positive views because the National Party has not opposed the model without putting forward an alternative to bring about the desired outcome of improving marine protection. The National Party cannot be accused of just being negative, because it has been very proactive and has put forward a model for the consideration of the public of Victoria that brings about better levels of marine protection.

I said before that the National Party published a discussion paper that was put on the National Party web site and encouraged anyone to comment on it. I will go through the process that was undertaken. In developing the discussion paper, the Leader of the National Party, the Honourable Peter Ryan, and I, visited Western Australia and spoke to a number of people within the Labor government, within recreational fishing, commercial fishing and the environment movement. We met with all those people and looked at the model they used to bring about marine protection. We also looked at the New South Wales Labor government model, which was not greatly dissimilar to that in Western Australia. After we looked at those models, researched and spoke to a number of people, we put together a possible model through the discussion paper we published. We conducted a series of public meetings around the coast of Victoria at Warnambool, Colac, Tooradin, Welshpool and Traralgon and one in Melbourne. We invited people to come along to those public meetings and have their say on the model we put forward as a proposal.

As a result of the feedback we received we produced an outcomes document — that is, we took account of the views expressed to us and modified the discussion paper to best reflect the variety of views that were put to us.

Apart from making the outcomes paper generally available to the public, once again on the National Party web site, I personally sent a copy of the outcomes of our marine parks consultation, a model put forward by the National Party, to the Premier and to the Minister for Environment and Conservation. Do you think I got a response from the Premier? No. Do you think I got a response from the minister? Yes, I did — I received a page and a half commentary which mocked the proposal we put forward. It was an unnecessary, childish act by the minister. She said in part, 'It is a pity you did not look at the outcomes of the consultations undertaken by the Environment Conservation Council'. It is a childish, flippant comment because the minister knows very well that we were actually the only party to make a submission to the ECC. The National Party has been actively involved in this issue from day one and the minister's comment was flippant and childish.

I also sent copies to the Leader of the Liberal Party. Do you think I got a response from him? Yes, I did, I received a three-line response. He referred it to the Honourable Philip Davis, who was then shadow minister for energy. I do not know why he did that; after all, I also sent a copy to the shadow minister for the environment, the Honourable Victor Peron. I thought the Leader of the Opposition would have an interest in this issue, particularly as he has a coastal electorate, but he did not have the decency to pass comment on this particular bill.

The honourable member for Doncaster, the shadow minister for the environment for the Liberal Party — we are supposed to be buddies! It proves how independent we are, because the honourable member for Doncaster did not even pay us the courtesy of acknowledging that he had received a copy of the document. So much for the 'Ring me up, mate! What are you doing with this bill, buddy?'. Well, no buddies any more. It was complete ignorance. The National Party's approach to put forward a decent response has been ignored.

I also ensured that the Victorian National Parks Association was sent personally a copy of both the discussion paper and the outcomes paper.

Do you think I received any feedback from the Victorian National Parks Association? Not even a telephone call to say, 'This is a terrible document'. I would have thought that if the organisation thought it was a terrible document it would have had great delight in coming back to me and saying, 'This was a load of rubbish'. It did not even have the courtesy to respond. It sends us all this literature on every other environmental issue in the state and expects us to respond. I say to it,

‘Until you have the courtesy to respond to some of the decent proposals being put forward by the National Party don’t expect a response or conversation on just the issues you want to talk about’.

I say that as a warning to both the Labor Party and the Liberal Party in this house. Do not take the National Party for granted. One day either the Labor Party will need us or the Liberal Party will need the National Party and they ignore us at their peril. We have a right to say these things. We put forward some logical suggestions on processes like this and we expect to be taken seriously and given the respect we deserve for putting forward these alternative models.

Having got that off my chest, let me go on and outline the exact model that we put forward. There was overwhelming support from the thousands of people we met and communicated with for a process that first defines the purpose and extent of protection required for a particular marine environment or location, then develops a management plan that reflects the purpose and addresses the specific needs, and finally gives statutory recognition and authority to the marine park and its associated management plan.

Let me put that in simple words because it is exactly the reverse of the process suggested by the bill before the chamber tonight. Through the bill the government is saying, ‘Trust us. Give us 13 marine national parks and we will decide what we will do with them later — but give them to us first’. The National Party is saying through its models, ‘Look at an area and see if it needs some form of marine protection. Have an assessment of the environmental and resource values in the area and if the area is deserving and in need of protection then formulate a management plan for it and come back to the Parliament with both the management plan and the proposed park area and let Parliament adjudicate on those’.

The other point I want to make about this model I will outline is that it takes the establishment of marine parks one by one. It is an absolute joke — an impossibility — for members of the house to make an accurate assessment of the values of 13 parks and 11 marine sanctuaries in one big hit. I challenge anyone to understand the contents of marine parks, why they have been created and what are the attributes of each of the marine parks and sanctuaries. It is impossible for any of us to absorb all that information in one hit. The Western Australian model, which I admit is largely the model that we propose in this paper, takes a park one at a time so that people can make a fair assessment. We do not want all that information and literature jammed down our throats at once. It looks at one area at a time,

discusses in detail each of those areas and provides public input into the development of management plans for and the ultimate boundaries of those park areas.

Let me talk about three or four key features of the model put forward by the National Party. First, we propose that Victoria should constitute a separate, new, independent authority called the marine parks authority. We believe that such an authority, similar to the one in New South Wales, can be independent of government as much as is possible — sure the government of the day appoints members of any authority — and can make decisions without fear of the political implications that plague governments whatever their persuasion. We say an independent authority has a better chance of deciding an issue on logic rather than on the political imperatives of the day. It will take political decision making out of public land management, and in this case public water management.

The marine park authority we propose should have responsibility for the identification of specific areas suitable for and requiring the level of protection that marine park status will facilitate; set the purposes and objectives of each marine park; conduct the consultation process involved in establishing marine parks; monitor the implementation of marine park management plans; and undertake appropriate scientific research within marine parks.

We do not suggest that the marine park authority should become a great bureaucracy in its own right. That is not the case in New South Wales or Western Australia — their marine park authorities are small, tight units which contract much of their work out to both the public and private sectors. The same model could well be instituted in Victoria. I do not know why organisations like the Victorian National Parks Association would not agree at least in part to our model. After all, it sets up an independent authority and gives marine parks greater status in our community by being under the control of an independent authority. But perhaps it is this government that wants to maintain control over everything in this state, including the marine parks issue. The National Party and I say that a better model would have an independent authority overseeing the whole process.

The second feature of the National Party model that I want to highlight is the importance of the development of management plans. The fundamental point that emerged from our consultation was that marine parks should be recognised as tools for an end rather than as an end in themselves — that is, the management of an area will protect it rather than its title, status or colour

on a map. That is what this government is doing with this particular model; it is saying that the establishment of marine parks is the end in itself. That is the end of the ball game; it will have proven its environmental credentials by simply designating and colouring in areas on the coast of Victoria and saying, 'Look, people, these are the marine parks that we have created!'. There is no commitment to the development of appropriate management plans in the model proposed in the bill.

The model proposed in the National Party discussion paper, and which was overwhelmingly supported by the respondents to that paper, would see legislation that defines a process of facilitating the creation of marine parks. It would be enabling legislation to establish the marine parks authority, define its role and outline its functions. The act would also define a public consultation process which would lead to a proposed area for marine park status, along with a recommended management plan.

Importantly, the declaration of marine park areas could be done by order in council — the Parliament itself would receive an order, under an enabling act, to establish a marine park in a certain area, but alongside that water tenure proposition would also come a management plan. So it would be the dual responsibility of the Parliament of Victoria to approve both a proposed marine park and its particular management plan.

Part of the process we believe is essential for this is the development of a regional perspective paper. If honourable members followed the process of the regional forest agreements they would know there were regional perspective papers put out in each of those areas which looked at the status of the resource in those areas and which gave people a scientific basis on which to assess and make decisions. We say that that process should also apply for the establishment of marine parks.

We also looked at and emphasised a model — which had the support of the people we consulted with — for a multipurpose marine park with appropriate use zones within that park. Yes, we support marine sanctuaries; we believe a marine park should have an area of marine sanctuary for the purpose of undertaking the necessary scientific evaluation of the biodiversity values of that particular area. We have no argument with that. But surrounding that marine sanctuary we believe there should be multiple-use zones. There should be, for example, limited use zones that may allow recreational fishing and perhaps a limited form of commercial fishing as well. There should be special use zones, which allow recreational fishing and a much broader

range of commercial fishing and aquaculture. We also suggest there should be general use zones, which would be available for most current uses of marine waters.

Once again, overarching that is the important key feature that those zones are defined by a management plan. You work out what you want to achieve and then you decide how you will achieve it by the development of a management plan. The key issue is not the prohibition of fishing; it is the development of a management plan.

Further, the model proposed by the National Party sets out an 11-point planning and consultation process. The government model is silent on the planning and consultation process. As part of this process the engagement of the local people is absolutely imperative. Local people know best. They have a wealth of knowledge because they live alongside those waters, they have observed the area and they have fished in the area. So they have far more knowledge than anybody else who might blow in and blow out or anybody who might undertake a limited amount of study over some weeks. People who have lived their lives by the water and on the water understand the area far better than anyone else. Local input into the development of management plans is critical.

The National Party has set out a process that starts with the government or the marine park authority suggesting that an area should become a marine park. A local marine park advisory committee is then established, followed by local stakeholders assisting in the development of a regional perspective paper, about which I spoke before. The process allows for the development of an indicative management plan which is then put out to the public for further comment. Then, to ensure it is all open and transparent, there is a requirement in our planning process that proposals for parks and management plans are advertised and people are given the opportunity to make comments on them.

From the indicative management plan a final management plan is adopted and put to government for its consideration. The process then comes back to the Parliament for approval of a park alongside an appropriate management plan.

This is not a novel approach. We in the National Party do not claim to be geniuses. We have studied hard and looked at other models. Basically the outline I have given tonight is an accepted and proven model in places such as Western Australia and New South Wales. It works. Why did Victoria have to try to reinvent the wheel and why does the government think we in

Victoria know everything? We do not, and we should learn from the experience of people in other states.

I want to comment on just one further provision in the model proposed by the National Party — that is, compensation. After our consultations with people it is clear that if there is to be compensation it needs to be far broader than that proposed in the government bill. There needs to be compensation for all forms of commercial activities — that is, commercial fishery licence holders, including abalone licence holders, and those who operate associated commercial businesses. It might be the caravan park at Corner Inlet and it might be the fish and bait tackle shop down at Warnambool. All those businesses that can prove they have been impacted on by the creation of a marine park should have access to compensation. The feedback we got from the paper suggested that those compensation provisions should be decided by the courts.

We have one further thing to say about compensation — that is, under the model I have outlined the National Party believes that compensation will become the exception rather than the norm. Under a model that allows for multiple use and widespread public input by the formal appointment of a local advisory committee, et cetera, we believe many of the issues associated with park boundaries will be resolved and those associated with fishing areas can be resolved. Under this model, compensation will be the exception rather than the norm. That is the experience in Western Australia and New South Wales.

That is the sort of model put forward by the National Party. It is the sort of model we believe will better bring about the government's desired objectives and outcomes.

I will mention two other things before I conclude my contribution. First I want to talk about fishery management. I am pleased the minister responsible for fisheries, the Minister for Energy and Resources, is in the chamber tonight because it seems to me there is a great confusion in the minds of both the government and the people of Victoria because they think this is all about fisheries management. Indeed, every bit of the propaganda and publicity about the government's great plans to create marine national parks showed pretty little fish swimming around in blue water. Proposed division 10 to which I referred earlier tonight also gives an indication that this bill is all about fisheries management and not about marine biodiversity. As I said before, there is no requirement to report on the status of the general marine biodiversity in these parks; all the Minister for Environment and Conservation is

required to do is report on the status of fish stocks in these areas.

If this bill is about fisheries management, let's be honest and open about it. But we in the National Party believe there are plenty of tools available to the minister to implement fishery management models: for example, at least one fishery management plan has been developed, and there is a mechanism within the Fisheries Act for the minister to develop other fishery management plans to monitor the level of fish stocks; she can also use quotas to manage fisheries; and limits can be imposed on recreational fishing licences such as bag limits, minimum fish sizes and limited seasons for fishing.

All those things are examples of the management tools the minister could use to ensure that sustainable levels of fish stocks are maintained. There seems to be great confusion in the mind of the government because all the promotional material for this bill is about fishing. Well, it is not supposed to be. The Environment Conservation Council report was not just about fish levels; it was about a much wider range of issues. That is why I said at the very start of my contribution that this government seems to be unfairly focusing on fishing and not focusing on all the other things that impact upon the marine environment.

I will make some further comments about recreational fishing, which has been most unfairly singled out in this legislation because no compensation has been made available for recreational fishers. First, I ask: are fish stocks really under threat? If one were to read an article on the issue in the *Herald Sun* of 29 May, one would have to wonder. Under the headline 'Bay teems with fish' the article states:

Scientists who conducted the survey were amazed how fish numbers had risen in the past few decades.

The article is talking about Port Phillip Bay in particular. The survey was undertaken by the Marine and Freshwater Resources Institute and the team leader was a Dr Greg Jenkins, so a very credible organisation has made an assessment of fish stocks in Port Phillip Bay and found that the bay teems with fish. Dr Jenkins is quoted in the article as saying:

If you average catches out over the past 30 years, fish numbers are increasing ...

The article continues:

Dr Jenkins said he was concerned by the number of introduced species found to be thriving in Port Phillip Bay.

A Japanese goby fish, not found in the bay 15 years ago, was now the most abundant fish.

'Everyone hears about starfish but fan worms, Japanese kelp and a lot of introduced fish are in the bay as well', he said.

'And we don't yet know whether they are impacting on other fish'.

That is why I made the point that there are other issues that impact on the marine environment far more than simply the act of throwing in a line or casting a net and catching a fish. All these other issues, such as the introduced exotic species mentioned in this article, have the potential to severely impact on the marine environment in Port Phillip Bay in particular.

It is interesting that the following statement is made about Dr Jenkins at the end of the article:

He would not comment on the impact of the survey on marine national parks laws, which are due to be passed in Parliament in the next couple of weeks.

I wonder why he did not wish to comment. Everybody who thinks marine national parks are a good idea — whether they be from a government organisation or not — has told us that pretty loud and clear, yet this bloke does not want to comment on the bill. He probably agrees with the view of the National Party that the model in the bill is deficient and defective and will not bring about the outcomes that this government thinks it will.

I will quote one letter that appeared in one of my local papers, the *Bairnsdale Advertiser* of 10 May, because of all the many hundreds of letters I have seen on the issue this one summarises pretty well the view held by the thousands of recreational anglers who have communicated with members of the National Party in recent months about the bill.

The letter to the editor headed 'Why remove anglers?' states:

... So we anglers are to be removed from proposed marine parks. Why? Because we allegedly threaten marine species. However, after nine years of supposed scientific research, not one scientist, not one member of the Environment Conservation Council, not one member of the Victorian parks authority —

I think he means the Victorian National Parks Authority —

not one member of the Victorian government — in fact no-one has been able to name just one species under threat from recreational fishermen in Victoria.

There is a challenge for government speakers to comment on. He goes on to say:

Multiple-use marine parks and no-go sanctuaries all over the world do work, but in our case we have the discriminate removal of us fisherfolk.

There was no proper consultation with stakeholders and no management infrastructure has been formulated, so tell me how Victoria has it right and the rest of the world has it wrong?

It is a good question that should be answered by the Premier. Why are we different? Why is this unproven model in Victoria supposed to be the world's best? He says:

On a parting note, some 20 years ago Bunurong marine park in South Gippsland was declared and recreational and commercial fisherfolk were kicked out.

In 1999 the progress of Bunurong was checked. Eight designated dive sites within the Bunurong marine park, each 200 metres square, were examined for a total count of just one rock lobster —

eight designated dive sites, 200 metres square —

In addition to that, Victorian fisheries, under special licence, commissioned two San Remo fishermen to fish Bunurong for up to 10 days.

They finished up after only a few days because not one rock lobster was caught, testimony to the reality of full-scale poaching in the absence of the legitimate presence of commercial and recreational fishermen, both of which are governed by strict regulations.

Talk to us fishermen, we do know a good deal about the marine environment and we can help.

It was signed 'Frank Sikora, member, Recreational Angling and Boating Coalition'. I say, 'Good on you, Frank, and good on you all those members'. You talk a lot of commonsense, and that is the truth. Once again that challenge is put to members of the government to refute any of those arguments put forward by Frank Sikora and many of the 800 000 recreational anglers in this state.

Let me conclude by saying in summary that this model discriminates against both recreational and commercial fishermen, and there is little wonder that they are upset. But none of them objects to implementing measures to better protect the marine environment. That came through loud and clear in the consultation. All of us, including the National Party — and it was the first thing I said tonight — want to see better levels of protection of our marine environment in Victoria. But the model proposed by the government tonight does not guarantee that we will have better levels of marine protection in Victoria.

As the slogan used by some people in demonstrations out the front of Parliament House said, 'Marine

protection, not political parks'. That is what the people of Victoria want. That is what the users of the marine environment of Victoria want. They want marine protection, not political discussions taken by this government for its own political purposes. What we are creating today is political parks simply to appease Labor green voters and Liberal green voters. I say it is bad government when things are done purely for political reasons.

Coastal communities around Victoria today have been sold out. They have been sold out by the Labor government and they have been sold out by the Liberal opposition. Fishermen and fisherwomen around this state have collectively been sold out. World best practice in marine protection has been totally ignored with this model before us. The National Party will not support a model which fails to deliver protection of the marine environment, which discriminates against large sections of the community and which panders only to the green dreamers of East Melbourne.

Hon. GAVIN JENNINGS (Melbourne) — We have been waiting a long time for this day, for this debate and for the opportunity to celebrate the joyous occasion of the introduction of a comprehensive set of marine parks in Victoria. This has been the constant dream of many members of this community each and every day for many years — and in fact decades. This dream has been under active consideration — the subject of rapid eye movement! — for the past 10 years. When people wake up tomorrow they will have legislation in this state which protects for all time the precious aspects of Victoria's national environment.

The challenge that is laid out to us as members of Parliament is to ensure that there is ongoing protection of this marine environment. That is something the government is mindful of and will respond to. It is an important part of what we intend to do once this piece of legislation has been enacted.

I wondered what I could say in my contribution to this debate that would add to the hundreds of hours of public debate and consideration that has taken place in the development of this bill. I wondered what I could add to the countless hours of assessment, analysis and consideration of the matters that have led us to this point.

Firstly, I will take the opportunity to outline with some eloquent words the scope and intention of this piece of legislation, and I will do so by borrowing from what is effectively a celebration card or leaflet with a picture of a Shaw's cowfish in blue water on the cover that is

distributed by the Department of Natural Resources and Environment.

With the indulgence of the house I will paint the picture of what this exercise is about and what we will achieve. The leaflet to which I refer is entitled 'Marine national parks for all Victorians for the future'. Under the heading 'Victoria's unique and diverse marine waters' it states:

Southern Australia's marine communities are unique. Around 90 per cent of our marine plants and animals are found nowhere else. This is as a result of our long south-facing coastline, a history of geological isolation and limited influence by major ocean currents.

Victoria's marine waters are a special part of this unique realm. Cold waters from the Antarctic influence marine waters of western Victoria while the warmer waters moving down Australia's east coast influence the marine waters of eastern Victoria. Most of Victoria's waters are shallow, but in some areas depths reach 90 metres or more.

Rocky reefs and sandy seafloors, spectacular underwater canyons and plunging cliffs, intertidal mudflats and tidal channels and sheltered bays are all part of Victoria's diverse marine environment.

We know that over 12 000 marine animals and plants live in Victorian waters — many more than most comparable areas in the world. They include towering kelp forests, seagrass meadows and an amazing variety of fish, sponges and other animals of many colours and shapes, from tiny organisms to large sea mammals.

It goes on to list the varieties that Victorian marine waters are home to — approximately 700 species of fish; 1000 species of seaweeds and seagrasses; 2000 species of molluscs, including snails, shellfish and squid; 3000 species of crustaceans, including crabs, lobsters, prawns and similar species; 1000 species of sponges; 1000 species of polychaetes, which are bristle worms of which there is a remarkable number in Victorian waters; and 1000 species of cnidarians — jellyfish and corals. For the benefit of our Hansard reporters, that is 'cnidarians' with a silent 'c'.

That is an extraordinary representative sample of the vast variety of species that we find in our precious waterways. I encourage members of the Victorian community to get a copy of this leaflet, because it will enable them to become more aware of the biological diversity within our precious marine environment.

If only I could actually take people down there, if only I could show them the pictures, and if only I could share with them what this important initiative is all about!

All that is available to me at the moment is to read into *Hansard* the scope of these marine parks that are being established as a result of this important piece of

legislation. I will start from the west coast of Victoria and move progressively to the east.

The first park listed is Discovery Bay Marine National Park, which is described as the:

Gateway to the Southern Ocean

20 km west of Portland — this park is Victoria's marine gateway to the Great Australian Bight and the immense seas of the Southern Ocean.

Next, the Twelve Apostles Marine National Park is noted as:

An icon above, a paradise below

7 km east of Port Campbell, this park is a submarine labyrinth of towering canyons, caves, arches and walls festooned with colourful seaweed and sponge gardens and resident schools of reef fish.

The description of Point Addis Marine National Park reads:

Life beyond the surf

East of Anglesea and including Australia's famous surf spot, Bells Beach, the park includes sandy beaches and rocky reefs that are home to marine life including the weedy sea dragon.

Next is the Port Phillip Heads Marine National Park:

The jewel of the bay

Located at the southern end of Port Phillip Bay the park comprises six separate areas that contain some of Victoria's most treasured marine environments.

We then move on to three parks that are located within Western Port. The first is Western Port Bay Marine National Park:

Life between the tides

Three separate marine national parks together represent the essence of the bay, its mangroves, mud flats and seagrass meadows.

Hon. P. R. Hall interjected.

Hon. GAVIN JENNINGS — Have no doubt, Mr Hall, I will go on at some length in my enthusiasm about this important piece of legislation.

The next is the Bunurong Marine National Park:

South Gippsland's underwater garden

6 km south-west of Inverloch, this park features extensive reefs and an unusual rich array of marine plants including seaweeds and seagrasses.

It says this about Wilsons Promontory National Park:

Victoria's blue wilderness

Bordering the southern coastline of Wilsons Promontory, this park is a combination of sheltered bays, plunging underwater cliffs and clear deep waters.

Next is Corner Inlet Marine National Park:

A world-class wetland

North of Wilsons Promontory and 6 km east of Yanakie, this park features a complex network of mangroves, saltmarsh, mud banks, seagrass beds and deep channels.

Ninety Mile Beach Marine National Park is described as:

Splendour in the sands

South-west of Seaspray — this park features a sandy sea floor that is home to more animals in a given area than most marine habitats in the world.

The leaflet says this about Point Hicks Marine National Park:

Awaiting discovery

Located at Point Hicks the park's clear waters, massive granite boulders and tall seaweeds are home to marine life, some of which are not found in the cooler waters of central and western Victoria.

Finally, it describes Cape Howe Marine National Park as:

Victoria's Pacific gem

Adjoining the New South Wales border, marine life thrives in warm waters from the north. Migrating humpback whales can be seen.

In my enthusiasm to outline those parks, perhaps being criticised for doing so, I took the opportunity to remind Parliament and the people of what is at the heart of this legislation, what it is that produces our pride and joy in Victoria's environment and what is going to be protected as a result of this piece of legislation. I do not shy away from the joy that this government believes will be brought to the community in both the short term and the long term in providing this piece of legislation.

I respond to the allegations made by those honourable members who oppose the legislation that the government had an eye for fisheries management issues to the exclusion of all else in protecting biodiversity and our precious environment for future generations by taking the opportunity to outline to the house the longstanding benefits of this to our community.

I can only hope that the marine parks will lead to an understanding and an appreciation that we have gone well beyond fisheries management issues, as important

as they are, in ensuring ongoing biodiversity within Victorian waters.

This piece of work was a result of detailed and lengthy consideration originally by the Land Conservation Council (LCC), which started work specifically on this purpose as far back as 1991, and then by its reincarnation as the Environment Conservation Council (ECC), which continued the important work and finally provided a report to the government and to the Parliament in 2000. There were six periods of formal public consultations during that time and they generated 4500 submissions. There were numerous meetings, discussions and consultations, as was the method adopted by the LCC and the ECC in making assessments about land use, and in this case the use of our marine environment.

The method adopted by those two bodies was exhaustive in its consultation and the subsequent allegations that have been levelled that there were not opportunities for everybody in the community to have their say flies in the face of the reality of that 10 years of preparation and consideration. That has been followed by a further period of two years of gestation between the government receiving that report and the final version of the bill that is before the Parliament today.

Halfway along that journey of the last two years a piece of legislation was introduced into Parliament but did not leave the Legislative Assembly. It is unfortunate that the Legislative Council was denied the opportunity to have its go, but I for one am happy that opportunity was denied us at that time. I believe today's piece of legislation is better because it has taken on board a number of the concerns of many sections of the Victorian community. From my point of view it gives a greater degree of protection for a broader range of parks and sanctuaries than the original bill envisaged. That is positive, and we should take a great deal of heart from it. On the way through, the government obtained the support of the Liberal Party in this endeavour, although there was a degree of angst within that party and within its constituency. I congratulate the Liberal Party for being brought along in support of this legislation.

I am disappointed and regret that that same result has not been achieved with the National Party. I hope that along the way, and in part due to my responses to a couple of issues raised by Mr Hall in his contribution, the National Party may be encouraged to join us on the journey and eventually be enthusiastic proponents of what this piece of legislation intends to deliver.

Consideration of this legislation in the last 12 months has resulted in some specific changes to the original draft bill and the production of the bill that is now before us. We have seen the important introduction of a marine park at Cape Howe and some additional sanctuaries, particularly the Ricketts Point sanctuary, have been added to the reservation system. There have been swings and roundabouts on the way to reaching accommodation with various parties and interests involved in this endeavour. There have been boundary changes at the Discovery Bay, Twelve Apostles, Port Phillip Heads, Corner Inlet and Cape Howe marine national parks. The government hopes that these concessions will not adversely impact upon the viability of those parks and will not prove counterproductive to the intention of this legislation. The government has a degree of confidence that the integrity of those parks has not been compromised by boundary changes.

The government has allowed for compensation to be paid to members of the fishing community, particularly commercial fishing interests that may be adversely affected by these changes.

I will shortly outline to honourable members some arrangements the government is using to support an industry in transition. I volunteer to the National Party and to any other honourable members of the house who are concerned about those transitions that it is the intention of the government that compensation is to be paid as the exception rather than the rule. It would be our hope that this is not a significant exercise in dislocation within the fishing industry, and the government is confident that the mechanisms by which compensation will be determined, calculated and administered will not be restrictive about providing access. It is the view of the government that the exposure to the industry is not as great as it was in, for example, the significant reforms to the scallop industry some years ago.

There has been access to compensation for charter boat operators for their increased operating costs which may be reasonably attributed to the advent of marine national parks, and eligible fishery licence holders and charter boat operators who can demonstrate financial hardship will have the opportunity to apply for interim payments. As identified by the National Party, there is an obligation on the government to table a report in Parliament on the condition of specific fisheries.

I respond positively to the suggestion by the Honourable Peter Hall that it is incumbent on the government to go beyond the stricture of the legislative requirements to provide reports on the status of the fisheries, which we will willingly do anyway because it

is we who have introduced that legislative reform. We need mechanisms in place for environment management practices adopted by the government and for the research that underpins them so that we can monitor and evaluate the status of the marine environment that we intend to protect over time.

I believe it is important that we see recreational fishing in perspective. A lot of hysteria has been whipped up in a number of communities, especially recreational fishing communities, about the impact of these proposed reforms on recreational fishers. It is important to understand that nearly 95 per cent of all of Victoria's marine waters remain available for recreational fishing, including 98 per cent of Port Phillip Bay, 94 per cent of Western Port Bay and most of Corner Inlet. No other inlet and not one of the Gippsland Lakes is affected, and there is not one pier, jetty, wharf or breakwater included in any of the marine national parks or sanctuaries. Very few popular recreational fishing locations will be affected. Of the more than 300 coastal fishing locations identified in the 2001 edition of the *Victorian Fishing Atlas* only 15 were located within proposed marine national parks and sanctuaries.

Hon. P. R. Hall — Then why the hysteria out there in the community?

Hon. GAVIN JENNINGS — Hysteria is whipped up amongst people who are not aware of what the bill will do to them or what their legal requirements will be. Hysteria is whipped up out of fear of change, out of a feeling there is no opportunity to participate in decision making — —

Hon. P. R. Hall — Out of reality.

Hon. GAVIN JENNINGS — No, it is more about having no opportunity to participate in decision making. It can also be whipped up because of mischief in the community and for a variety of other reasons, legitimate and illegitimate. All members of the Victorian community, particularly those who belong to the recreational fishing communities, should take a deep breath and reflect on the statistics I have just read into *Hansard*.

We note that access by recreational fishers to Victorian waters has been the subject of a number of initiatives by this government to assist them, such as removing commercial fishing licences in bays and inlets at quite an extraordinary rate. They involved fishing stocks for which commercial and recreational fishers were direct competitors, particularly at Andersons Inlet, Shallow Inlet and Tamboon Inlet.

This government has provided additional resources through my colleague the Minister for Energy and Resources to improve recreational fish boating facilities at a number of locations throughout Victoria. They include Limeburners Point, Corio Bay, Altona, Werribee South, Patterson River, Safety Beach, Stony Point, Warneet South, Tooradin, Corinella foreshore, Marlo and Cape Conran. Quite a significant number of initiatives have been undertaken by my colleague in providing support and encouragement to the recreational fishing community. We confidently believe that when calmness prevails the recreational fishing community in Victoria will quickly come to terms with the new arrangements and not feel as if it has been alienated from its important recreational activity.

A series of measures have been added to the bill to provide for compensation and transitional arrangements for the commercial fishing industry. One of the transitional provisions — which is a significant concession in some ways and one that we have to be alive to in terms of the management regime until the parks are finally enacted and come into full force — is that the prohibition of fishing in some marine national parks and sanctuaries has been delayed until April 2004. Personally I believe that is an overgenerous transitional arrangement and one that may cause some problems in ensuring the adequate protection of those parks and sanctuaries in the interim, but it is a definite concession and one in which the government is a willing participant.

As I have indicated, on the way through we have increased the compensation scheme that has been made available for eligible holders of rock lobster and other specific fishery licences. We have created a mechanism to deal with those compensatory arrangements and to provide for independent assessment and appeal processes. A compensation appeals tribunal will be established to ensure that the program is monitored and is performing in a fair and transparent fashion. We have introduced the compensation scheme using a formula that incorporates operating costs as well as the reduction in income through reduced available catch as a consequence of these reforms.

An important aspect that I am very pleased about is that this bill does not have a section 85 provision that would deny access to the Supreme Court. This is quite a vexed issue in the Parliament. It certainly was during the Kennett regime and for a time became a vexed issue in the life of our government when a proliferation of section 85 provisions arose in a number of bills across the whole of government. In fact this section 85 issue was a wake-up call to this government about whether it is appropriate to proscribe the legal access of Victorian

citizens to the Supreme Court. Any observer of Victorian legislation since the original draft of this bill was considered by the Legislative Assembly would know that a feature of this government's legislation from that point in time has been the inclusion of very few section 85 provisions. Clearly this bill was in some ways a watershed in that regard, and I am pleased that it was.

The government believes that the approach that has been taken in Victoria on the establishment of a comprehensive set of marine parks and sanctuaries is a visionary approach to environmental protection and an enlightened approach to ensuring the ongoing diversity of its environment. In many ways it is a world-leading model and a number of experts in marine biology from around the globe have been enthusiastic in their praise for this proposal and this set of reforms. It is the spread, diversity and scope of these parks that has drawn this applause. In terms of size and longevity there are already any number of outstanding examples of marine protection throughout the nation. Obviously the most famous is the Great Barrier Reef but similar reserves are located in New South Wales, Tasmania and Western Australia. All of them are important in ensuring the diversity of Australia's marine environment and all had risks associated with their establishment and their ongoing maintenance. Certainly the Great Barrier Reef is under a number of environmental risks and from time to time possible exploration on the reef places it in jeopardy.

This legislation relates to Victoria's equivalent of the Great Barrier Reef, writ small in size on the map but in terms of importance to Victoria's and Australia's ecology of equal magnitude and something of which we should be proud. It comes as part of a suite of measures that have been adopted by the government and will continue to be implemented to protect Victoria's waterways — the rivers and streams and its marine environment. It comes on the back of the government's Victorian coastal strategy, its focus on managing the impacts on coastal waters caused by activities in catchments, its stormwater action program, the Port Phillip Bay environment management plan, the prevention of the introduction of marine pests and its stated environment protection policy which includes the waters of Western Port and its catchment with the aim of protecting and rehabilitating Western Port. It is an important suite of regulatory and legislative reforms and programs that the government has adopted and embraced and will continue to do so. This legislation will probably be known as the jewel in the crown of those programs.

The government responds to the challenge laid down by the National Party about going back to first principles, that it is about protecting our precious environment and its biodiversity for this and future generations of Victorians. The government will not limit this to being a fisheries management issue. It is our obligation as a community to understand and appreciate and come to nurture and love those environments over time in a way that probably has been understated in the Victorian community until now. Part of the government's and the Parliament's work will be to try and enhance the level of appreciation.

Hundreds of thousands of solid citizens around the state have played a productive and constructive role in leading us to this situation. I thank those who worked for the Land Conservation Council and the Environment Conservation Council, in particular Professor John Lovering, Jane Cutler and Eda Ritchie; the good people who have worked solidly on this issue from the Victorian National Parks Association; the Australian Conservation Foundation; and the Marine and Coastal Community Network. I note that when the first bill did not get out of the Legislative Assembly we patted some solid citizens on the shoulder and were dismayed about that occurrence. Tim Allen was one of the persons who received a pat on the shoulder from me at that time. I am pleased to say it was not a patronising pat on the shoulder because we have come back and delivered. On many occasions a similar conversation took place with Amanda Martin from the Victorian National Parks Association about this matter, and I am pleased to see that Chris Smyth is in the gallery from the VNPA seeing this exercise through.

Of course there are the very honourable citizens in the advisers box who have supported this endeavour: Rod Gowans, Doug Hooley and Joan Phillips. I thank them sincerely for their outstanding work in the preparation of this and other important national park legislation. Finally, I thank the photographers who provided us with the glorious pictures on the brochure — the celebration card as I referred to it earlier — and the opportunity for me to briefly — —

Hon. P. R. Hall — By whom were they taken?

Hon. GAVIN JENNINGS — They were taken by William Boyle, Sharon Hinton and Mary Malloy. At a future time I will answer that question in more detail. That will not wreck the fun and the joy of this occasion. I enthusiastically support the bill in the name of this generation and future generations of Victorians.

Hon. K. M. SMITH (South Eastern) — I support the national parks and the legislation, although I have

some reservations, as does the National Party, about some of the clauses and the ramifications. I became heavily involved in debate when the proposed legislation was first introduced some 12 months ago. I had long discussions with both recreational and commercial fishermen and with people who ran businesses in the area. One must understand that I represent an area in West Gippsland and the Mornington Peninsula that has a heavy emphasis on fishing and has many people who have gone there to retire so they can fish in areas that they have become accustomed to over a long period.

The meetings took place on a regular basis, probably monthly, and these people were so concerned that I believed it was worthwhile taking up their concerns about what and how the bill would affect their lifestyle. I had no problems accepting the fact that marine parks would be advantageous to Victoria. I understand that marine parks and sanctuaries will be no-take areas. Although I was not concerned that the sanctuaries should be no-take areas, I have concerns about the marine parks.

Discussions have been taking place on the 13 parks and 11 sanctuaries as set out in the bill, and a large number of those parks and sanctuaries are, so to speak, in my patch of water. I am greatly concerned about the area around Wilsons Promontory that has now been set aside. I know it is attached to, associated with or adjacent to the Wilsons Promontory Marine Park, and the lobster and abalone fishermen who berth their boats in the San Remo area were in a position to always carry out their fishing, be it abalone or lobster, around the islands off the tip of Wilsons Promontory. All of those islands have now been taken up by marine parks, so they are now not allowed to go fishing in those areas.

It did not matter if the weather was inclement, the wind was blowing or it was raining, they could fish there because they could hide behind the islands on one side. They had to work hard but they had a reasonably lucrative business. They could not fish every day of the week but they had some respite from the weather if it did blow up. I had concerns about those people.

I also had concerns about the residents of Rhyll, a township on Westernport Bay, which was going to be taken up by a marine park. The residents originally said they did not want a marine park in their area. Later, however, they were happy to accept a marine park and they had some thoughts in the back of their minds that commonsense would prevail so far as multi-use was concerned.

They then had further concerns about the special management areas that had been set aside surrounding the peninsula of Rhyll. The residents believed they would be unable to launch their boats or do their fishing. A large number of retired people like to fish at Rhyll because they can drag their dinghy down to the water, throw in a line and probably pull in a few fish, and they feared they could not continue to do that.

Many businesses including motels are in the area. The motels fill up year after year because people come to fish in the area but this legislation was going to stop them. I asked my colleague the Honourable Carlo Furletti to try to take some action to overcome the difficulties these people were going to have because it would ruin the township of Rhyll. It would put the bait people, the boat people and the boat repair people out of business; the motels also would finish up going out of business.

To his credit, Mr Furletti had discussions with the Minister for Environment and Conservation and she has given us a written assurance that fishing will not be banned in any of these special management areas. I hope that the minister will keep her word and will not be persuaded otherwise by people from the Nature Park Reserve Board who will have a fair amount of say in what happens about people being banned from fishing in that area. I will certainly keep my eye on the matter and I am sure that my very good friend and colleague Mr Furletti, who worked so hard to convince the minister it was the right thing to do, will also keep his eye on the issue. After the next election we hope he will be the minister and we won't have to worry too much.

I am also concerned about abalone fishermen who have been stopped from receiving compensation in relation to this particular argument. I have a problem with that because those people probably have more money invested in fishing in Victoria than we have had over a period of years, not only since this government has been in power but when we were in government and when the Labor government before that was in office in trying to stamp out poaching of abalone.

The minister has referred to the money allocated to stamp out poachers, which I think is \$14.3 million over a period of three or four years. That is chickenfeed, and the minister now understands that because a special levy has been imposed on the abalone fishermen despite their cut-down fishing opportunities. They will each be charged some \$50 000 or \$60 000 per year to try and crack down on poaching.

I can remember standing in this chamber when the Liberal Party was previously in opposition and listing

names and addresses of poachers who were operating. The first name on the list was Cam Strachan. He is now spending time in a Tasmanian penitentiary because of abalone poaching.

Labor has never been able to stop poachers or been in a position to make decisions that would stop them. The coalition government was not able to stop them.

Minister, I do not think the \$14.3 million will make any difference. Unfortunately the poachers have better boats, and are a little smarter than some of our fisheries officers — and I do not mean to talk about our officers like that. These people are smart and have better boats, more money and are involved in a criminal organisation that is more than happy to steal abalone from Victorian waters. In fact, I understand they take out more abalone than the licensed abalone fishermen, who pay so much for their licences.

Sue Alcock from R. and S. Alcock of San Remo — the minister may have spoken to them — wrote to me to tell me how they will get some compensation for being deprived of some of their fishing grounds. I have already spoken about the fishing grounds that have been taken away from fishermen at Wilsons Promontory. There was an area where they could go and there were still plenty of abalone, crayfish and lobsters and now they are told they cannot fish there any more. They are deprived of that opportunity. I have a problem with that.

The Minister for Energy and Resources would know that the Marine and Freshwater Resources Institute and Richard McLoughlin, the director of fisheries, have said there is not a problem with the number of fish in Victoria. In fact, Victoria has a very sustainable fishing industry. The *Herald Sun* of 28 May reported that the bay is teeming with fish.

Hon. G. R. Craige — What sort of fish?

Hon. K. M. SMITH — All sorts of fish. You can get snapper, flathead, whiting or any sort of fish you want out of the bay. Victoria does not have a problem with sustainable fisheries. Who are the only people who are being deprived of following their commercial pursuits? The fishermen of Victoria! I cannot figure out why. If there had been some figures or statistics produced to the fishermen or to me so that we could say, 'Hey, there is a really good reason for the fishermen being deprived of their pursuits', I could understand that, but there is nothing at all to make us understand the reasons why the fishermen will be deprived of their commercial fishing.

The bill does not propose any proper management tools to measure the fisheries prior to the establishment of marine parks and after they have been established. There is not one bit of scientific evidence produced for or by the Environment Conservation Council — not one bit of scientific proof to show there is a problem with the fisheries in Victoria.

I ask why is this happening? I am happy for the greens to have their marine parks. I am happy for Victorians to have marine parks and for everyone to have what they want in our marine parks, but why should the fishermen be the ones who will be deprived? They are the people who throw a line over the side of their boat to pull in a few flathead or whiting. There is no proof that they have done any damage to the environment or to the biodiversity of our waters. Yet they will be deprived of their commercial pursuits.

Mr Craige and I travelled to Corner Inlet one day because we had received an invitation from Wayne Cripps. We decided to go down and look at the area where it is proposed to make a national park and where these fishermen will be deprived of their fishing pursuits. They wanted to show us how they went about their fishing; and how many shots they had, which is when they throw their nets over the side of the boat and pull in their fish. They wanted to show us their nets that they put into the water, and so on.

On questioning those people we found that they and their families had been fishing there for in excess of 120 years — the same people — well, not the same because they would be dead from old age — —

Hon. G. R. Craige interjected.

Hon. K. M. SMITH — There was one guy there who was pretty old. There were a lot of people whose families had fished over a long time and that is one of the major fisheries in Victoria for whiting, calamari or squid, and flathead. They catch the fish and take it to the markets. They took us out and showed us around and showed us everything. They answered every question we could possibly have put to them in regard to their fishery. The one question that could not be answered was why these people would be deprived of what their families had been doing for so many years. That set me off to find out a bit more about this.

We spoke to some of the other people in the area, Joe Pinzone and Neville Clarke — a couple of terrific, dinky-di, good fishermen whose families have also been in the area for a long time. You could not get anybody more straightforward than Joe Pinzone. He was not enthralled with the idea of parks to start off

with but he came around in the end and he could accept it; he could see the reason for them. The people there had got themselves together and come up with a plan to put to the minister. They are good people and with the help of my friend Mr Craige they got their game together and set out where they would like to be able to fish. The minister responded by making some changes to the boundaries of the parks. That is fine but it did not help my people in the Western Port area. It did not help the people there who used to go fishing for some of the best whiting and flathead you could pull out of Western Port at the top of French Island.

We know that part of the marine park is completely denuded of seagrass. The eastern side on the top end of French Island is completely denuded and it is exactly the same through where the Lang Lang River comes out. Nothing in the legislation answers any of the questions about the pollution going into the bay or how that problem will be addressed. There is no management plan for these parks anywhere. There is nothing in the legislation — I have looked through it. It talks about the minister getting back reports but it does not talk about the minister getting reports with regard to the parks. It only talks about them in regard to abalone, fin or lobster fisheries. It does not talk about what is happening in the park.

How are we supposed to know whether what we have done and approved in this house is right? How will we know whether there is any improvement in biodiversity? How will we know if there are any fish or more fish or less fish? The minister and I both know that what was done at the Bunurong Marine Park was a joke. We know no lobsters were left there because the area had been raped and pillaged by the poachers down there. Hang on! That was supposed to be a marine park. It was supposed to be looked after; it was supposed to be managed — and it was not. My biggest fear is that we will find ourselves with 13 marine parks and 11 marine sanctuaries that will be totally ignored, as has happened with the terrestrial parks. That worries me because the government does not have enough money in the budget to even consider being able to do that.

Nevertheless, the fishermen down our way will be deprived of the opportunity to fish. Rob Harrison from the charter boat fisheries who is the secretary of the Australian Anglers Association has some problems as well. He and his charter boat fishermen will be deprived of being able to take their fishermen out to look for fish in an area that they know.

These people buy their fishing 4 or 5 hours at a time. The difficulty they have is being put into a position where they will be sitting in a boat for two or three of

those hours, moving from one spot to another. The only compensation this government is promising them is to give them more money for petrol. There are people involved in this, and they are the ones I am concerned about. Let's have our parks, but let's be fair dinkum about the people as well.

John McDougall — he was mentioned by Mr Peter Hall before — has been a great advocate for fishermen. John does not have anything more to do with this than the fact that he is a retired teacher who has a bit of time to go out and do some fishing. He is a good man, he has a good brain in his head and he really does care about the environment and about the fisheries here in Victoria. He cares about all of the right things, but he has been completely ignored by this government. The government should have benefited from the information he had to offer — logical, smart information about where the fisheries are here in Victoria and what we can do to assist.

In conclusion, I noticed in the *Pakenham Gazette* today a photograph of Susan Davies receiving 350 or 360 of the hundreds of thousands of cards that had obviously been sent out by the Victorian National Parks Authority (VNPA), which asked people to send them to their local members of Parliament. I do not know how much money it cost for the full-page leaflets that were sent out through schools and pushed into people's letterboxes — I would love to know who financed that — but I can tell the house that I got 13 000 cards from recreational fisherman down at St Kilda marina, where I went to meet many of them. I brought the cards up and stuck them outside the Premier's office here at Parliament House so he would have to either move them out of the way or fall over them when he went in. But the truth of the matter is that he ignored them. The thoughts or concerns of 13 000 recreational fishermen did not matter a tinker's cuss — not at all! I am sure the VNPA did not get back more than 13 000 of the cards and leaflets that it put out. I just find that a concern.

I could go on for hours and hours. I can assure the house that I am getting wound up by Mr Furletti and Mr Forwood, but I would love to continue to talk about this — it would be worth while talking about it for a long period of time.

Hon. C. A. Furletti interjected.

Hon. K. M. SMITH — I do have to think of my colleagues, and I am very grateful to you for reminding me of that, Mr Furletti. I am only sorry that you took 45 minutes of the time.

Let me say in conclusion that I am for these marine parks and sanctuaries. I hope they do as much for Victoria as people are hoping they will — because they do not know that they will, they just hope they will. I just remind them that in years to come, when they are thinking of expanding these parks, I am not going to be in this house worrying about it; I will be in the other one worrying about it. I let the Minister for Energy and Resources know that she is not going to con the people of Victoria the second time around like she conned them this time.

Hon. E. C. CARBINES (Geelong) — It is with a great deal of pride that I rise in the house today to speak in support of the National Parks (Marine National Parks and Marine Sanctuaries) Bill. Today is a day on which all Victorians justly feel very proud, and one which I am sure will be remembered for generations to come. This bill is all about marine conservation, although one could be excused for thinking otherwise after listening to the debate from the opposition so far tonight.

Last week we saw the passage of this groundbreaking legislation in the lower house, with the government and Liberal opposition voting together to establish a representative system of marine national parks and sanctuaries along the Victorian coast. Now we, the members of the Legislative Council, have our part to play to ensure that Victoria's marine environment is protected not just for now but for the future. The passage of the bill will place Victoria at the forefront of marine conservation, not just nationally but around the world.

I congratulate the Minister for Environment and Conservation in the other place on her dedication and commitment to our coastal environment, which is evidenced by the bill today. I also acknowledge the support of the Liberal Party for this visionary legislation and thank it for working with the Bracks government to allow Victoria to assume such a leadership role in marine conservation.

Today is a proud and historic day for our state. We have received many messages of support and congratulations from around the world. I will read some of those, starting with a message from two former Victorian premiers who said:

This will be an achievement of enduring worth, every bit as important as the establishment of Wilsons Promontory and Mount Buffalo national parks all those years ago.

It is signed by Sir Rupert Hamer and Joan Kirner, former premiers of Victoria. Dr Sylvia Earle, *Time* magazine's inaugural Hero of the Planet and the

National Geographic Society's explorer in residence, said:

These parks will be a treasure for all of Australia, for all of the world.

Internationally renowned conservationist Professor David Bellamy said:

You've done it. Absolutely fantastic. Now watch the rest of the world follow.

Prior to the last state election, the Australian Labor Party promised that if it formed government it would establish a system of marine national parks and sanctuaries along the Victorian coast. The Labor Party gave that commitment to the Victorian people because it was strongly of the view that our marine coastal environment needed protection to make sure that its unique qualities were preserved not just for the benefit of this generation, or for our own children, but for the benefit of countless generations to come. We know that 90 per cent of the plant and animal species which make up Victoria's coastal environment are unique. They are not found anywhere else. In fact, it is a simple but very profound statement to say that Victoria's coast is unique.

In the *Age* of 31 May 2001 an editorial on page 18 entitled 'Protecting life in the sea' pretty much sums up the intent of the bill. It states:

We have a duty to protect our marine environment because it is complex and beautiful and has intrinsic value, and also because this diverse underwater heritage ought to be preserved, and enjoyed, by future generations. The legislation should be passed.

As a member of the Bracks government I am proud that with the passage of this legislation we will be delivering on the visionary commitment we made to the Victorian people two and a half years ago.

The National Parks (Marine National Parks and Marine Sanctuaries) Bill seeks to establish 13 marine national parks and 11 marine sanctuaries along 5.3 per cent of the Victorian coast. These marine national parks and sanctuaries are representative of the marine biodiversity found along our coast. They were identified following a decade of consultation with the Victorian community, first by the former Land Conservation Council (LCC), and then taken over by the Environment Conservation Council (ECC). The consultation which took place over a decade was very wide ranging. It spanned three state governments and included six formal consultation periods, and over that time more than 4500 submissions were received from the Victorian community.

The recommendations made by the ECC arising out of its investigation form the basis of the bill before us today. I thank and acknowledge the members of the former LCC and the ECC who worked on that investigation and who made those recommendations. They must feel a great deal of satisfaction, as later this year their work will become reality through the passage of this legislation.

Following receipt of the ECC's recommendations in 2000 the Bracks government has undertaken wide-ranging and extensive consultation with the Victorian community and all stakeholders regarding the impact of the establishment of the marine national parks and sanctuaries. That consultation has been ongoing over the past 18 months and has been inclusive of all stakeholders within Victoria.

As has been acknowledged by previous speakers, the most controversial aspect of the debate surrounding the marine national parks and sanctuaries is the banning of extractive activities. I have to admit there are strongly held views on both sides of the debate on that issue, but the Bracks government firmly believes that to allow mining in marine national parks and sanctuaries would be to seriously compromise their integrity — in fact, it would undermine their integrity. I am proud that the government of which I am a member has stood firm on that issue.

The marine national parks and sanctuaries will comprise 5.3 per cent of Victorian coastal waters, which leaves, obviously, 94.7 per cent available for commercial and recreational fishing. In fact, only 15 of the more than 300 recognised Victorian coastal fishing locations will be located in designated marine national parks or sanctuaries. Further, not one pier or jetty is located in a marine national park or sanctuary.

The bill provides for a comprehensive compensation process by establishing a compensation assessment panel, which will obviously assess compensation claims. Further, it establishes a compensation appeals tribunal which will hear appeals against the determinations of the compensation assessment panel. The scope of the compensation available is reflective of the views put to the Bracks government over the past 18 months.

Effective management is critical to the success of the marine national parks and sanctuaries. To this end the Bracks government has ensured that additional fisheries officers, investigative officers and staff will be employed to manage them.

I am pleased to acknowledge that there is provision in the bill for a permanent fisheries station to be located in the south-west region of the state between Geelong and Warrnambool, part of which I represent in this Parliament, and that a new fisheries vessel will be commissioned to monitor the parks and sanctuaries.

This bill is all about protecting our unique coastal environment. It is legislation that has broad support in the Victorian community, and as members of Parliament we can all feel a sense of pride in the part we have played in making this visionary policy become a reality.

I also acknowledge the role that the Victorian National Parks Association and the Marine and Coastal Community Network have played in educating the Victorian community about the value of our marine environment and the need to protect it for all time. People from these organisations such as Chris Smyth and Tim Allen have worked tirelessly to ensure that all members of the Victorian community, including members of Parliament, have been able to access extensive material to help inform their opinions. They too must feel incredibly satisfied to see this legislation being debated in the Legislative Council tonight and to know that this sound environmental policy will become a reality later this year.

Members of this house have heard me speak many times about the wonderful coastal electorate I represent in this place, and they have also heard me speak on at least two occasions about the support that marine national parks and sanctuaries have in my community, where debate on this bill has provoked much interest. I have been very pleased as a member for Geelong Province to have taken an active role in that debate in my community. I have met many times with representatives of environmental groups, recreational fishers, tourism operators and the seafood industry to hear their views and inform my opinions.

Over the weekend in preparation for this debate I took home the extensive files from my office on marine national parks and sanctuaries. Without a doubt this issue has provoked the most correspondence to my office since I was elected in 1999. I have been inundated with faxes, emails, phone calls and letters regarding this issue. Some concern has been expressed to me about the impact of marine national parks and sanctuaries on some recreational fishers in my electorate and on one of the tourism operators in my electorate, which I acknowledge. But overwhelmingly the vast majority of correspondence that I have received has been willing to enthusiastically embrace this legislation and wholeheartedly support the

establishment of marine national parks and sanctuaries. I have been impressed by the active role that many groups and individuals in my electorate of Geelong Province have taken to promote the need to protect our coastal environment.

About 30 Geelong regional organisations quite some time ago jointly wrote and signed a consensus statement in support of marine national parks and sanctuaries. This consensus statement has been widely promoted in the Geelong region and I would like to acknowledge the role those groups have played. It is not possible to mention all 30 tonight, but I would like to acknowledge Jan Juc Coast Action, Surfers Appreciating the Natural Environment, Surfriders Foundation, Friends of the Bluff, Geelong Environment Council and Swan Bay Environment Association.

The Marine and Coastal Community Network organised for Dr Bill Ballantine of New Zealand, an internationally renowned speaker, to come to Geelong a couple of years ago. He addressed a very packed lecture theatre at Deakin University where he explained the enormous environmental and economic benefits of marine national parks as he has experienced through the establishment of the Lee Marine Reserve in New Zealand. I was fascinated to hear his talk that night and to see how many people from the Geelong community went along to hear him speak.

The City of Greater Geelong hosted a lunch last year for local community leaders which was organised by the Victorian National Parks Association where we were very honoured to listen to two internationally renowned speakers, Dr David Bellamy and Dr Sylvia Earle, who were — —

Honourable members interjecting.

Hon. E. C. CARBINES — Their world renowned research of the marine environment was acknowledged by all participants. They urged all present to do all in their power to protect our unique coastal environment, and they urged everyone to support the Bracks government's legislation and the Bracks government's vision of establishing a system of marine national parks and sanctuaries along our coast. I would like to thank the City of Greater Geelong for hosting that luncheon and for putting its support behind the legislation we have before us tonight.

I understand that another municipality in my electorate, the Borough of Queenscliffe, has recently passed a resolution in support of the establishment of marine national parks and sanctuaries. It is very pleasing to

know that our local government representatives support this visionary policy.

As a member for Geelong Province I have been asked many times to speak at local schools in my electorate. I was very pleased last year to be asked by a Christian college to be a guest speaker for its Victorian certificate of education students who were examining the issue of marine national parks and sanctuaries.

They were examining the debate as part of their assessment program, and I was delighted to spend the morning at Christian College speaking in support of our policy, and especially pleased to see the level of interest and commitment from so many young people at the school. I formed the view that morning that our environmental future is in very safe and good hands.

In April I attended with my government and opposition colleagues a very small but significant presentation at the waterfront in Geelong which again was organised by the Victorian National Parks Association. As I said, all members representing Geelong in both this and the other place were present, and we received the 1400 postcards which had been sent to the VNPA from people in the Geelong region who supported the establishment of marine national parks and sanctuaries. The presentation was very significant because it demonstrated to the Geelong community that this legislation had bipartisan support. I thank and acknowledge all the honourable members who were prepared to attend and gather on that day. It meant a lot to the Geelong community.

I am grateful to all my constituents who have contacted me about this bill. No matter what their views were I always took time out to listen to them and to meet with them to discuss their views. It would be impossible tonight to personally acknowledge everyone who has contacted me. However, I will place on the public record several of the messages that I have received. The first is from the mayor of the Surf Coast Shire, Cr Beth Davidson, who emailed me in April this year.

The email states:

Surf Coast Shire congratulates the Bracks government on its recent announcement regarding marine national parks. We call on the Victorian state government to fully implement the recommendations for a system of marine national parks and sanctuary zones along Victoria's coast.

...

The protection and preservation of our marine and natural environments is important for the sustainability of the Surf Coast Shire and the aspirations of its citizens.

In April I also received a letter from Sue Longmore of the Swan Bay integrated catchment management committee, who wrote:

Congratulations to the state government for leadership in proposing the establishment of a world-class system of fully protected marine national parks in Victoria, which includes Cape Howe Marine National Park and Ricketts Point Marine Sanctuary.

Congratulations, in particular, to you for standing firm in your support for the no-take principle and opposition to beach exclusions and further boundary modifications ...

As you know, marine national parks are for all people. The ECC's proposed marine national parks and marine sanctuaries will ensure that representative samples of Victoria's diverse, unique and amazing marine environment are protected so that future generations may also enjoy the pleasures the marine environment gives us today. This includes all fishers, who should support marine national parks because of the increased abundance which will eventually benefit them outside the park boundaries.

I also received a letter from the Barwon Coast committee of management which states:

My committee at our most recent meeting confirmed their unanimous support for the declaration from the Victorian coastal conference regarding the full implementation of the Environment Conservation Council's recommendations for a comprehensive and representative system of marine protected areas for Victoria.

We congratulate your government on its leadership to establish a world-class system of fully protected marine national parks and sanctuaries along the Victorian coast through the proposed bill before Parliament at present.

...

We will share your pride as a member of Parliament [which] achieves this hugely significant step for the conservation of our marine heritage for the future.

I also received a letter from the president of the Friends of the Bluff at Barwon Heads who wrote in April this year:

I wish to extend my congratulations to you and your comrades in the state parliamentary party for your foresight and, yes, profound wisdom in recognising the desirability of proclaiming a series of marine parks and sanctuaries in Victoria. I believe the enactment of these parks will be of major environmental import both here and internationally. I do not need to reiterate the countless benefits that these parks will provide our state.

I wish you well in this spectacular endeavour. History will show this to be the Bracks government's greatest legacy. Well done and good luck.

I have also received many letters from individuals in my electorate, and I would like to place on the record my appreciation of these messages of support.

Firstly, a very short letter from Neil Tucker says:

I have just heard on the radio that you have come to agreement with the opposition to pass the marine parks bill. I am writing to thank you for all your efforts. It's wonderful news.

From Terry Gunn — I think he comes from Anglesea — who says:

I would like to express my congratulations to the Labor Party for supporting and, it appears, finally implementing the marine national park legislation. The Labor Party's efforts to develop and enact this legislation will provide it a special place in the conservation history of Victoria.

I also received a letter from Sandy and Rodney Edwards of Highton, the suburb in which I live, who wrote to me on 1 June. Mrs Edwards says:

My husband, Rodney, and I would like to show our support and praise for your party's positive involvement in the bipartisan agreement to establish marine national parks in the Geelong and Surf Coast area — well done and thank you!

You know our children are the third generation to enjoy this local coastal area: may we be proud together to maintain and improve our coastline and oceans' natural inherent biodiversity by ensuring the marine national parks thrive.

Another letter from Heidi Fog in Jan Juc says:

I would like to express my full support for the creation of the marine national parks. I think every party involved in creation of marine parks have shown excellent cooperation and I hope that you will keep doing so when the legislation is going through.

I hope that the current boundaries will be upheld, still we are talking about 5 per cent of Victorian waters only. Yes I do go fishing and with the legislation there are still plenty of opportunities to do so. The most important part is that we do look after the place in which we live. No one else will do so.

I received perhaps one the most unexpected letters of support from one of my constituents who is currently living in Russia. It is from Viv Barrett. She says:

As you can see by my address, although I live near Geelong, I work in far east Russia. Every day I see first hand the effects of unregulated fishing on salmon and sturgeon stocks.

The areas that have been put forward as marine reserves have been done so because of the biodiversity, suitability of area for breeding and sustaining fish populations. It is not as if these are the only places that you can catch fish.

My work has taken me all over the world to the wildest and most remote places. I have seen first hand the benefits of initiating conservation measures in time or too late. For all our children please do not reduce the meagre percentage that has been recommended for conservation.

As honourable members can see, there is wide-ranging support from constituents in Geelong Province for this legislation.

It is with a great deal of pleasure that I recommend this bill to the house. Its passage will position Victoria very firmly at the forefront of marine conservation around the world. Today is truly a very important day in Victoria's history because it is the day on which this legislation will be passed and this government will be implementing a visionary environmental policy, one which will protect Victoria's unique coastal environment not just for our generation but for generations to come.

As a member of the government I am very proud of its achievement in this regard and consider that history will judge the passage of this legislation to be one of the great hallmarks of the Bracks government's first term.

Hon. B. W. BISHOP (North Western) — It is with much pleasure that I rise to speak on the National Parks (Marine National Parks and Marine Sanctuaries) Bill. Might I say how fortunate I am — and how fortunate the house is — that I do not have any letters such as those that were read from for some time during the previous contribution!

Firstly, I congratulate the Leader of the National Party, in this house the Honourable Peter Hall, on his very fair and adequate summation of this particular bill. The thrust of the National Party on a bill such as this is much different to that of the other parties in this house, and it is easy to see why. It is because we have no other constituency than country areas. Briefly I want to try and build a case to show that there has been little or no rigorous, scientific, economic or practical research done on this bill.

Our country constituency relies on research to maintain its sustainability in the production of food and fibre. I reckon I am qualified to speak on these sorts of issues, because I have spent all my life at the cutting edge of sustainability. I had to rely on ensuring our farm had sustainability to make a living in my days as a practising farmer. We relied on research to make sure we knew which way to go in the short, the medium and the long term.

Any producers — be they grain, pastoral, dairy, horticultural or fishery — follow the same principles in relation to production. We must have sustainability. We all have huge investments in our particular areas of production, be they in land, plant or inputs — it makes no difference across the whole field. We are world-class producers of food and fibre in our country areas, and we understand very clearly the issues of land and water. I point out to Mr Hall that the industry I am most familiar with is a long way from marine parks —

and I refer to the grain industry — but the principles do not vary.

In the grain industry there are now machines which can successfully manage our fragile soils. We can retain stubble, stop erosion and increase productivity and sustainability. I believe we have done that very well over the past 50 years.

In rural Victoria we also understand water resources and the need to preserve and manage them better. There is no better example than the northern Mallee pipeline, which is just about complete — and the National Party has strongly supported the thrust to complete the Wimmera–Mallee pipeline. That is all based on scientific, economic and practical research.

I move to deal with marine parks and the Environment Conservation Council's report. By my reading of it, the report contains 38 general recommendations. It proposes the establishment of 13 marine national parks, 11 marine sanctuaries, 18 special management areas and 12 aquaculture zones. If accepted they would be huge changes in anyone's language.

Honourable members have heard our leader in this house, the Honourable Peter Hall, reveal in some detail the hard work done by the National Party. It started with discussion papers that he put before the party and to our communities as part of a full consultative process. A few of the paragraphs from that first discussion paper bear putting on the record to mark where the National Party started. It did a lot of work and a lot of consulting and came up with what we believe is a world-class proposal for the management of our marine areas.

The discussion paper includes the following:

The National Party is committed to the establishment of a statewide system of marine parks. We believe the multiple-use marine conservation reserve systems as established in other Australian states serve to both protect the diverse and valuable natural heritage values of the coastal environment, as well as providing a framework for sustainable commercial and recreational use of these resources.

The objectives of marine parks may vary from park to park, but need to be well defined and captured in a management plan tailored to achieve those objectives.

The management plan should define permissible activities within the park boundaries and to this extent zones within the park are desirable. They should range from sanctuary zones being the level of highest protection to general-use zones that allow for a range of activities that do not affect sensitive marine habitats.

A process that maximises input from community and interest groups is vital to the acceptance of marine parks in Victorian

waters. The consultation model proposed in this discussion paper broadly reflects that used successfully in other Australian states and is considered a key element of the National Party's proposal.

The National Party believes the establishment and long-term sustainable management of marine parks in Victoria is so important that it needs the creation of a separate, dedicated marine parks act, and management by an authority independent of government. In this regard, the discussion paper proposes the establishment of a marine parks authority. Further, it proposes a marine parks scientific advisory committee to assist the authority in the technical advice required.

The National Party believes the establishment and oversight of an authority independent of government is necessary to avoid any inference that environment and resource management issues are determined by partisan politics.

There is strong support in Victoria for the need to better protect our marine environment. How that is to be achieved has caused sharp division between various interest groups.

The National Party believes the model proposed in this discussion paper is capable of preserving representative as well as special ecosystems in the marine environment, and at the same time put in place a management structure to ensure that marine parks are managed in an equitable, integrated and sustainable manner.

That was the start. A lot of work was done following that, but that is where the National Party came from, via the good work of the Honourable Peter Hall. Now, in Parliament, we are debating the bill — based on a report by the Environment Conservation Council (ECC), which the National Party and I believe is driven by ideology rather than rigorous research.

The first question is: does that report have that rigour? All people with a practical understanding of marine areas have offered fierce criticism of the report. They are the ones with a practical understanding of the issues we are debating here. One of the issues raised during a process was the economic effect of the legislation on the communities. The general view of people with a practical background is that the economic studies are way off the mark and their recommendations would put many of our coastal communities totally at risk.

Honourable members should consider the research into the three no-take zones existing now. Has there been any? We could not find any at all, nor any scientific reports — none at all! Yet we have before us a bill proposing massive change to our marine environmental systems driven by prohibition and certainly not by a practical management process.

Our fishermen have practical codes of conduct that have been in place for many years already. The fishermen know — they have the practical background. Just as a grain farmer knows that if the land is ruined

the sustainability disappears, so our fishermen know how to manage their environment, and they have done for many, many years. It is the same principle across all of agriculture. That advice appears to be ignored by the government, the ECC and other interest groups.

It saddens me and the National Party that in fact that sort of rigour has not been applied to the research on this particularly important issue. Again I come back to the point that our production of food and fibre relies heavily on research. You cannot question that. We use research very well to increase our production, quality and sustainability right across agriculture. I cannot make the point strongly enough that that research is absolutely crucial to our current lifestyle and ability to survive in the years to come.

In agriculture we hang our hats on scientific, economic and practical research. We rely on it. I have plenty of examples of that but I will give you one. Not so long ago we were threatened with the importation of New Zealand apples to Australia. That would have put us at risk of importing the very serious disease of fire blight. What happened then? We used scientific research that was practical, transparent, and responsive — exactly the opposite of what we are seeing in this bill tonight. Unlike this bill that process was tested every inch of the way, and that scientific, economic and practical research that saw even a Senate committee investigation, was very successful and we have sustainability in that industry now and, we hope, for many years to come.

We can keep quoting those issues but I have no intention of doing that tonight due to the shortness of time. The National Party will without doubt support good, strong, practical management of our resources which, of course, include our marine areas. But we will not support labelling of particular areas without evidence to support such an action. The National Party will not support the widespread prohibition on recreational and commercial fishing.

The National Party is absolutely consistent in the principles it has displayed towards this bill and will display towards any other environmental bill that will come before honourable members in this place. We believe that management is strongly linked to sustainability. We believe that management driven by scientific, economic and practical research that also addresses the ongoing welfare of our communities is absolutely essential. This bill does not embrace those principles, so the National Party will oppose it.

Hon. B. C. BOARDMAN (Chelsea) — The tragic reality of this legislation is that there will be no

winners. It should be the case that when you have legislation that provides a tool to try to improve the biodiversity of this fragile country and state there should be no confusion or bitterness and no point scoring, and it should be agreed to by all members of Parliament with consideration and strong justification for the reasons. However, in this case it has not happened. It is becoming all too typical of this government to introduce legislation based on ideology and philosophy rather than on strong justification for delivering community expectations.

It was fascinating that last year when we had the first model bill of this piece of legislation the government decided to reject it. But let's just reflect for a moment, because this was a government that decided it would go to the election with a strong policy of establishing marine national parks and we have had that confirmed tonight as the only justification for the bill in its current format. What happened last year was that because the government did not get its own way and because questions were asked and the government's level of consultation was inadequate, that particular bill was withdrawn. Since then it has been the domain of the Liberal Party to consult the community to find out how it would be affected by this model, and to provide some justification of its own to work out whether it is appropriate or otherwise.

Throughout that process we got some very strong messages. We understood completely and succinctly that some communities would be affected and that undoubtedly there would be some communities who would benefit immensely, but what was lacking was a balance and strong justification — and that is what this issue is all about. Subsequently, 12 months down the track, we have a new bill that has been devised through a process of this government coming kicking and screaming to try to get something part way to fulfilling the community's expectations.

One thing I have always advocated when I have spoken on any environmental legislation is that it should be agreed to in its totality, and I will continue to take that path.

I am in a quandary tonight because while I identify this legislation as being necessary, I am devastated by the way in which its justification has not been balanced. Clearly the science has gone out of this debate. We have seen the Australian Labor Party for some reason using this as a way of trying to increase its political capital without explaining in concise and definite detail why the legislation in this format was necessary. There have been reports and examinations of the factors involved and the effects but there has not been an

adequate level of scientific research and justification to deal with that.

I will deal with the contentious part of the bill which has got everyone talking, and that is the subject of no-take areas. Like many of my colleagues who have spoken tonight I would like to know how a no-take system in any area designated as a marine national park improves its ecosystem. Is the government suggesting that recreational anglers are irresponsible or that there is some devastation caused in the community by recreational angling? Is it suggesting that commercial fishing is not sustainable? That evidence has been contradicted by numerous reports, including one which was tabled by the Environment and Natural Resources Committee in Parliament this week. It shows quite clearly how Victoria's fishing industry and its fishing stocks are sustainable under its current management practices. Nevertheless, we have a bill which totally contradicts the level of limited scientific evidence that exists.

I support the concept of marine parks. I would like to see the bill go one step further to having the whole Victorian marine coastline as a marine park, but with a sound management plan with a sound basis and sound justification for trying to deal with the real issue at hand, which is to ensure that Victoria's fishing industries, both commercial and recreational, remain sustainable for future generations to enjoy.

The Liberal Party is faced with a difficult task because the community has spoken loudly about this and the debate is divided, and tragically that reality is one that we will all have to deal with. The electorate which I hope soon to represent in Western Port has a considerable amount of coastline that is affected by this legislation. I place firmly on the record that it is difficult to take sides, and I stress sincerely that I support all players in this debate.

Because time is against us and a number of other colleagues want to put their thoughts on the record, I would like to just reflect for one moment on an issue that I found surprising in the second-reading speech — that is, the government's assertion of the recently released Port Phillip Bay environment management plan which focuses on the management of nutrients entering the bay and marine pests. I am happy that it is in the second-reading speech because the sentiments attached to that particular plan are not reflected in the legislation.

One issue that the bill does not deal with, and the minister's second-reading speech confirms it, is the issue of pollution in both Port Phillip and Western Port

bays. The run-off associated with agricultural and other commercial uses is causing noticeable devastation to the ecosystems in these marine locations. The management system to deal with this serious situation has not been identified by this legislative process. I find it inexcusable that the government would go down the path of trying to justify this legislation without identifying one of the key problems that affects the marine environment at the moment.

Another issue I want to deal with quickly is where one of my strong focuses and interests came in marine management, and that was through my membership of the Environment and Natural Resources Committee from March 1996 to late 1999. I was honoured to be part of the committee that tabled its report into ballast water and hull fouling in Victoria, which identified, among a number of other recommendations, how to deal with ballast water and hull fouling in marine coastal waters and how to manage marine pests such as the sabella worm, the northern Pacific seastar, Japanese kelp, the European shore crab, and the list goes on. Over 160 marine pests were identified in Port Phillip Bay alone that needed some degree of management.

That report was tabled on 15 October 1997, and the then Minister for Conservation and Land Management, the Honourable Marie Tehan, in the government's response to that report stated that the government was to adopt a two-stage approach based on minimising further introductions and managing introductions once they occurred. That was intended to set up a barrier system backed up by an incursive management plan.

I reflect on that comment and other sentiments attached to the government's response to the Environment and Natural Resources Committee's report with an assertion that was made in the minister's second-reading speech, which states:

More broadly, the government is implementing a strategy that aims to prevent the introduction of marine pests, which includes improving the management of ship ballast water and ensuring a rapid and effective response in the event that an introduction does occur.

I state again to the house the importance of the dates that I have mentioned. The initial report was tabled on 15 October 1997 and the now Minister for Environment and Conservation was the deputy chairperson of the committee that produced that report. I find it inexcusable that the government is still implementing a strategy that aims to deal with the introduction of marine pests through ballast water when the former minister and the former government already had a strategy thoroughly worked out that was appropriate in its response to dealing with this serious environmental

issue, one which should have been continued in its existing format. Yet we have not had sufficient information to that extent during this debate as to what should be put in place to deal with these pests and the consequences they have for the marine environment.

Nonetheless, this is important legislation that needs to be treated not only with seriousness but with an evaluative capacity, and that has not been identified by the government. I hope that, come November when the marine parks are implemented, the management plans associated with their introduction are thoroughly justified and adequate to deal with their stated intention, and provide sound evaluation capacity to ensure that these marine parks are meeting their stated aim.

Until I and other opposition members are convinced that that is the case, we will be monitoring very closely the implementation of the legislation.

Hon. G. D. ROMANES (Melbourne) — This is an occasion of great historical significance, and I am delighted to participate in a debate on a bill that will conclude with the establishment of a world-class system of marine national parks and sanctuaries. The bill marks the progress in the development of values and appreciation of the natural environment among people in Victoria and the appreciation of the need to protect our natural environment.

It is 104 years since Victoria first established national parks at Wilsons Promontory and Mount Buffalo, and it is 27 years since the National Parks Act of 1975 set up a system of national parks in the state.

This evening we take another major step forward for the establishment of a world-class system of marine national parks and sanctuaries in Victoria. The bill implements not only an election promise of the Bracks Labor government but also national objectives for the establishment of a comprehensive system of marine-protected areas, areas of no-take zones and areas which represent Australia's marine biological diversity.

It will provide for representative samples of beautiful, distinctive and diverse underwater environments in 5.3 per cent of marine waters along the coast of Victoria. It was not until recently that I fully understood what was meant by these representative samples and variety in marine bioregions. That realisation was more deeply established for me when I was reading one by one fact sheets that detailed the distinctiveness of each of the proposed marine national parks and sanctuaries — fact sheets that had been produced by the Department of Natural Resources and Environment —

and I saw how different each area is in geomorphology, geology, flora and fauna, colour, beautiful scenery, mystery, and richness of sea life. It was also reinforced by the movie on a CD sent to us by the Victorian National Parks Association which showed six of the marine national parks.

I recognise that we have only reached this position with the passage of the bill because of the many people who have worked hard to achieve legislative protection for parts of our marine environment.

The visionaries, the marine scientists and the environmentalists set the process in motion; members of the community have contributed time and energy, made submissions and participated in consultations; the Land Conservation Council and its successor, the Environment Conservation Council, provided the oversight, managed the investigations and assessments of the values, the uses and the impacts of the proposals, and held the consultations. I am sure, Mr Hall, they looked at models throughout Australia, including Western Australia, and throughout the world to settle on what might be the best way forward in Victoria to preserve key elements of our marine environment.

Officers of the Department of Natural Resources and Environment have made a most important contribution, and campaigners such as Chris Smyth of the Victorian National Parks Association and Tim Allen of the Marine Coastal and Community Network have led the charge.

I note the role played by the constituents of Melbourne Province who have responded to the VNPA postcards. Over the past year they have sent 850 postcards to members of Parliament and have taken the opportunity of making a clear statement to their local members. They value the unique marine environment in Victoria and affirm that it is a priceless public asset. They urge members of Parliament to conserve the unique —

Honourable members interjecting.

Hon. G. D. ROMANES — My constituents are sending a clear message to members of Parliament. They have urged me and members of both the government and the opposition parties to put protections in place to conserve marine environments that are precious to the people of this state.

I acknowledge the negotiators from the government and opposition parties who found a way forward through the impasse we had reached at the end of last year to develop a bill which undoubtedly is better than the draft bill that was withdrawn at the end of 2001. This bill includes a commitment by the government to an

improved compensation package to assist the fishing industry and affected coastal communities to adjust to the changes.

The government's commitment to significantly increased fisheries enforcement and compliance measures has been reaffirmed. These measures will particularly benefit the abalone sector through the better control of poaching. In the budget the government has put aside \$14.3 million over four years and \$3.4 million each year thereafter as a commitment to the creation of 27 new positions and resources to effect this enforcement package. The government has made commitments to work with the seafood industry to ensure effective enforcement, and it will target illegal takes of priority species.

Reference has been made to the need for good management of these parks. The bill provides for 18 new positions for the on-ground management and planning of the marine national parks and sanctuaries. As the Honourable Peter Hall said, management of the parks and sanctuaries is crucial.

I am reminded of comments made along those lines by the now President of this house when he was a backbencher back in 1984. At that time the National Parks (Amendment) Bill was being debated in the Legislative Council, and the addition of Grampians National Park to the national parks system was under consideration. He said that it was unnecessary to change the management of the Grampians. However, he considered there to be general community acceptance that a Grampians National Park would be established.

The Honourable Bruce Chamberlain accepted that the Grampians National Park would go ahead, and he therefore put forward a shopping list of requirements that he wanted to go with that new park. One of those was complete local involvement in the development of the management plans of the national park before it opened, another was local involvement in fire protection plans and a third was adequate staff and resources for the management and protection of the Grampians.

Management of this new system of marine national parks and sanctuaries is a critical issue. Despite what other honourable members have said, clause 6 contains a requirement that a plan of management be prepared for each marine park and sanctuary by inserting a new section 17D in the National Parks Act 1975.

Parks Victoria has extensive experience in established practice in preparing management plans for national

parks. It is required to undertake an analysis of the issues in conjunction with the community; publish a draft plan for public comment and advertise its availability in newspapers; consider public submissions and resolve issues with community groups; and submit a management plan to the secretary of the Department of Natural Resources and Environment and the minister for approval. This process will be undertaken. An interim management strategy will apply to each of the marine national parks and marine sanctuaries that will be prepared later this year, but then will come the important process of the development of more detailed management plans in conjunction with the community to cover each of the marine national parks and sanctuaries. These will be prepared in conjunction with the community and Parks Victoria over the next three years.

The Honourable Peter Hall said there is no statutory requirement in the bill to report on marine biodiversity. The government has made a very strong commitment to undertake scientific monitoring and research of no-take areas to assess their effectiveness. In fact, the government initiated a program to collect baseline information and to trial and evaluate an appropriate methodology for that ongoing monitoring. The trial monitoring program was developed for shallow water reefs. At May 2002 it covered 59 sites in four areas: Port Phillip Bay, Bunurong, Wilsons Promontory and Phillip Island. A review of the trial by marine scientists has taken place. The review found the trial to be scientifically sound and recommended it be continued and the methodology be applied to marine biodiversity in Victoria for its marine national parks. The government is now well placed to implement its commitment to undertake that scientific monitoring and research to assess the effectiveness of marine national parks and apply the trial biodiversity monitoring program methodology across the representative range of marine national parks as they are established.

The attention to the impact of the outcome of this bill on marine biodiversity is an important part of what is before the house today. When the system of marine national parks and sanctuaries is in place Victoria, having established a world first in this regard, will be well placed to influence other jurisdictions both within Australia and within the rest of the world. As Professor David Bellamy has said:

You've done it. Absolutely fantastic. Now watch the rest of the world follow.

We will indeed. I commend the bill to the house.

Hon. R. A. BEST (North Western) — One of the benefits of having been a member of this Parliament for some 14 years is that I have had the opportunity — —

Hon. G. R. Craige — Closer to 15!

Hon. R. A. BEST — You are correct Mr Craige, it is close to 15. In that time I have had the opportunity of participating in a number of debates on a wide range of issues. One of the things that focuses the attention of honourable members more than most is the issue of national parks. It provides an opportunity either to offer an opinion based on experience in dealing with people who are close to the issue in the electorate or to theorise, pontificate and speak from a lofty level of academia that honourable members believe should be imposed on others. Again tonight we are seeing a demonstration by some members of the house of pontificating and theorising on the best structure of and the best way to establish marine parks.

Not only will I speak about the current bill but I will refer to the debate that occurred in 1988 when I first came into this place — it was a debate that concerned the creation of the Hattah-Kulkyne National Park and the extension to the Wyperfeld National Park — and to the contributions of some of the then members of this house. They are worth revisiting, particularly the second-reading speech of the minister at the time, the Honourable Barry Pullen — what he promised and the consequences of the then management plan for today's environment where there is a lack of resources to support the current management plans.

It is one thing to theorise and another to see what is happening on the ground today 12 years after the government established national parks in that area. As I said, it is worth while after hearing all the flowery, lovely words of the honourable members from the Labor Party: Ms Romanes; particularly Mr Jennings, who must have enjoyed the department writing his speech, because surely he does not believe what came out of his own mouth; and Mrs Carbines, who simply relied on quotations from letters.

Hon. Gavin Jennings — It is amazing what you can do on venom.

Hon. R. A. BEST — I beg your pardon?

Hon. Gavin Jennings — It is amazing what you can do on venom.

Hon. R. A. BEST — It is not venom; it is experience.

The DEPUTY PRESIDENT — Order! Through the Chair, Mr Best.

Hon. R. A. BEST — Thank you, Mr Deputy President, for your protection. I am very fearful of Mr Jennings, particularly his comments — they are cutting!

This Parliament has a very colourful history of debates on national parks and that is being demonstrated again tonight. My first exposure was soon after I was elected in 1988 and Mr Hall, Mr Craige, Mr Ken Smith and Mr Ashman were new members. Early on we were confronted with the issues associated with the extensions of the national parks in the Wyperfeld and Sunset areas and the creation of the Hattah-Kulkyne National Park.

Hon. P. R. Hall — Your maiden speech, wasn't it?

Hon. R. A. BEST — It may have been part of our maiden speeches.

I admit that coming from a small-business background I was very unaware of the issues associated with the management of land in those areas and the very emotive subject of the then Land Conservation Council and the work it did to create and enlarge national parks within the electorate which I had been elected to represent and which you, Mr Deputy President, have the honour to represent in north-western Victoria. It was then that my education began. It is like most of life's experiences: first impressions are very important to the way one's view is shaped.

I remember my initial reaction to the recommendations of the Land Conservation Council as it was known then — the Environment Conservation Council, as it is now known. My initial reaction was to think that the recommendations that the LCC made were very unfair to the then land-holders. I was particularly concerned at the number of inaccuracies in the final report and the recommendations. I was concerned also that the report was written in a way that justified those recommendations. It was then that I was first exposed to the notion that locking up an area of land, or in this case locking up an area of the sea, is the best way to manage an environmental resource.

In the case of the extensions to the Wyperfeld National Park and the creation of the Hattah-Kulkyne National Park it was an issue associated with the best type of management for that very fragile area of the Mallee — something that I have since, during my last 14 years of representation, had the opportunity to gain a greater affinity with and appreciation of. And so we saw the addition of some 807 160 hectares to the Victorian

national park system. That meant that in the 1990s, with the addition of that land, something like 12 per cent of Victoria was under the control of the National Parks Act. That was considered to be an enormous achievement at the time, and many members were convinced that it was a very appropriate and timely addition that would provide a cross-section of ecosystems and environments that would represent the Victorian community within the national parks structure.

Hon. P. R. Hall — It's now 16 per cent.

Hon. R. A. BEST — You're reading my notes!

I am pleased to say that other bills have come before Parliament, and as Mr Hall assists me by mentioning, over 16 per cent of the land in Victoria now falls within the jurisdiction of the National Parks Act.

Back in 1988, I actually thought that that was the extent to which the process would move forward. However, I was very wrong, so we see before us today the bill that creates the marine national parks and sanctuaries. I suppose one of the interesting consistencies that I am particularly proud of is that the National Party to a man — and a lady — has voted against the extensions of national parks because the management tool that has been applied by the government of the day is to lock them up. It concerns me that this is considered to be the best way of managing our national park areas. I admit that during the coalition years there were extensions to the national parks in some areas of the high country, which caused some consternation within the coalition room. I think the role the National Party had in expressing its view at that time is well documented.

But it is a pleasure in a sense to contribute to this debate because, Mr Deputy President, you and I do not have any coastline within our electorate — our electorate is inland and basically goes from about Maryborough to Mildura. Whilst we do not have any coastline to be affected by the establishment of these national parks, people within our electorate are affected by the consequences of this legislation. We have an obligation to present their views and opinions to the house tonight.

I agree with the Leader of the National Party, the Honourable Peter Hall, that if better marine protection requires the establishment of marine parks or marine sanctuaries then we have no objection to that. What the National Party objects to is the management tools that are used in creating those national parks. While the government has had two goes at trying to create a regime that identifies an appropriate model, the National Party still is reluctant and will not support the

model that is before the house. Instead of a bill that unites the community for the greater good and the protection of the marine environment, this bill is typical of legislation that creates national parks or expansions to national parks; its solution is to protect national parks by locking up or prohibiting access to areas as the only form of appropriate management. So instead of being a real opportunity for everybody associated or interested in fishing or marine issues to endorse the introduction of the legislation, it will have the opposite effect.

The bill has already divided a number of coastal communities. It has already divided and caused tension within a number of associations and fishing groups. Rather than having good news that everybody can enjoy and relish as an achievement, this legislation once again highlights the divide between city-based conservationists and those industry-based experienced people who interact with the resource — in this case the marine environment. Once again as a result of the Labor government's approach, which is to prohibit access and lock up the area, the community is well and truly divided.

It is for the public record that the National Party has never accepted that locking up an area is the best form of management. We have always supported multi-use. We have also supported sustainability. We are not about rejecting extensions to national parks just because it is an area needs to be preserved. There is basic and sound reasoning in the forming of an opinion.

I refer to the work of the Honourable Peter Hall who looked at and explored the best possible model for the creation of marine national parks and marine sanctuaries. He distributed a discussion paper late last year, which has been alluded to by both Mr Hall and Mr Bishop, and which is important to record. We were trying to create a solution that was acceptable to all sectors, not only those involved in the fishing industry and associations associated with the marine environment but also the bureaucracy and the conservation movements. We tried to achieve a model which was good news for the total community.

As I said, one of my concerns is that these issues divide communities and push people into corners. That is not the best way to move forward as a community and to responsibly address the issues of conservation and the protection of our environment, and to ensure that we strike the balance between conservation and land use or conservation and marine use.

It is terribly important that we continue to endeavour to strike that balance because, as I have said — and I will demonstrate why shortly — one of the major concerns I

have for government is that while it says we must have management plans, the resources never seem to meet the expectations of the management plans that are put in place. In fact under this bill marine parks will be established and then the issue of the management plans will be addressed. We are looking at a one-size-fits-all model, which does not provide sustainability for the resource and does not address the concerns of each individual area identified as either a marine park or a marine sanctuary.

The situation is the same with land-based conservation issues; again, one size does not fit all. For confirmation of that one has only to look at the current kangaroo population in the Hattah-Kulkyne National Park and many other national parks in country Victoria. Victoria has a kangaroo population problem, so why is there no management plan within the government bureaucracy that addresses the issues of appropriate culling and the way in which not only the land has to be protected but also the habitat and the animals, which are part of the land we have locked up? That and other legitimate questions need to be answered.

We all know what is happening at Puckapunyal, but culling is as much for the protection and wellbeing of the kangaroos as it is for the protection of the land on which they graze. A wonderful example of that is the Hattah-Kulkyne National Park, which is an area that many of my colleagues on the Liberal side of the house will know very well. That national park has a carrying capacity of about 15 000 or 16 000 kangaroos, but unfortunately at the moment it has in excess of 22 000 or 23 000. That situation does not represent good management of the land and it raises concerns about the degradation of the land and the plant species within the national park. As I said, the health and wellbeing of the kangaroos also have to be considered.

It is a matter of concern to me that when establishing a national park one of the first things we do is identify where it should be and then we say, 'This is the management plan for that particular parcel of land', and that is the end of the matter.

I will refer back to the bill and the work that was done by the Honourable Peter Hall to identify an appropriate model for marine national parks. The National Party was looking at multi-use and at ways in which the users of the marine areas could interact with the environmental resource of those areas identified as national parks. Late last year the Honourable Peter Hall distributed a discussion paper which raised a number of queries in relation to this issue. The introduction states:

This is not a policy document. It is a discussion paper designed to stimulate debate on the issue of protection of

Victoria's marine environment, and to find a solution that accommodates the range of views as to how this may be best achieved.

The National Party did not start with a negative attitude. We accepted the challenge that if we were to protect our environment we needed to be positive, we needed to find solutions and we needed a structure that would assist in the protection of the marine environment. The discussion paper went on to say:

The National Party is committed to the conservation of Victoria's marine environment and the sustainable use of our natural resources. We believe the marine environment can best be conserved by a combination of protection and management.

In that way, each can interact with the other. It is not an 'and/or' or a 'one-only' situation; it is an interaction between protection and management.

The National Party believes that integral to any effort to conserve the marine environment is the development and implementation of appropriate management plans. Members of the National Party are saying, 'Put the management plan forward first and create the park second. Treat each individual area on its merits. Look at the national resource within that environment and create a management plan associated with the resource level that ensures there is appropriate protection of that natural environment'. To simply prohibit fishing from certain areas ignores the need to address other events which may be more detrimental to the local area. A well-researched management plan is essential to consider the cumulative effect of the multitude of actions that impact on the marine environment. I believe that is terribly important.

The National Party is committed to the establishment of a statewide system of marine parks. Members of the National Party are not walking away from the issue of this legislation. We are trying to find a solution. We believe the multi-use marine conservation reserve systems established in other Australian states serve to both protect the diverse and valuable natural heritage values of the coastal environment as well as providing a framework for sustainable commercial and recreational use of these resources.

That discussion paper created a significant amount of debate. I know the Honourable Peter Hall attended a number of public meetings throughout a number of coastal areas. With the discussion paper, a number of questions were posed as to what would be the best and most appropriate model that would balance everybody's view — all those participants within the industry — and that interact with the marine environment. As we know, currently in schedule 4 of

the National Parks Act we already have marine sanctuaries, recreational zones, special zones and general-use zones, so there are a number of provisions already in the legislation. The paper that was distributed by the Honourable Peter Hall addressed a number of other issues regarding marine parks and the establishment of the marine parks authority. Mr Hall has already gone through those issues and I will not repeat them. It addressed issues regarding planning and the consultation process. It also addressed the issue of compensation to which I will refer shortly.

What we identified were four major initiatives in creating a multi-use model. Another paper was produced by the National Party to outline to all participants the National Party's position on what would be, in our opinion, an ideal model that was consistent with models in other states and reflected the issues confronted by other state jurisdictions in addressing the marine resources and the marine environment.

I think Mr Hall should be particularly proud of the document that he produced. It has gone a long way to identifying many of the issues and concerns that needed to be discussed in that discussion paper as well as the proposal that he had for a model that the National Party supported as an alternative means to meet the varied needs of people and associations involved in the industry. It is also worth while pursuing some of the issues that were identified and have been raised by other speakers. The National Party supports the notion of greater protection for our marine waters as evidenced by the discussion papers that have been distributed and the outcomes of the discussion papers that have been published by the National Party on our web site.

We believe that better marine protection requires the establishment of marine parks and marine sanctuaries, and we do not object to the creation of these parks. What we do object to is the model that has been presented in the legislation that is before the house. While this is the government's second go, the legislation has a significant number of failings because the Victorian government's legislation proposes prohibition of fishing and aquaculture and the removal of marine organisms, whether they be dead or alive, and petroleum exploration and extraction from parks and sanctuaries. That is particularly galling, given that there is no scientific evidence to prove that the prohibition of fishing will improve a marine environment.

As you know, the National Party argues that marine protection is best achieved by management rather than prohibition. Therefore the National Party will oppose

that, as I said, and I am delighted with the position we have taken.

However, I think it worthwhile to revisit the debate that occurred in 1988 when I first came to this house to see why I have become disillusioned with the flowery words and the cajoling and some members' insipid contributions to this house. I have taken the opportunity to retrieve the second-reading speech by the then Minister for Housing and Construction — he later became the Minister for Environment and Conservation — the Honourable Barry Pullen. It is instructive to see how little the verbiage has changed over the years to justify the outcomes. I will read and comment on a couple of paragraphs that relate to the extension of the Wyperfeld National Park and the creation of the Sunset National Park and the Hattah-Kulkyne National Park:

Many scientists now believe that, unless immediate action is taken to give priority to the conservation of remaining areas of native vegetation, the long-term prospects for many of the Mallee's flora and fauna are in jeopardy. The proposed parks will be a major contribution to ensuring their long-term survival.

We all know the damage that the kangaroos and rabbits have done, but I will come to that shortly. I continue with the quotation:

The government recognises that its decisions will lead to some social and economic changes in parts of the Mallee. However, while some jobs will be lost, other employment opportunities will be created by the new parks, associated tourism activities, and land protection works such as vermin and weed control, fencing and revegetation programs. The government will sponsor a community-based social and economic issues committee so that local communities will have an opportunity of developing plans for their future and of shaping the changes that will occur.

One of the issues I will refer to is that of ecotourism. All the time we hear of the wonderful benefits of ecotourism and what it will provide. Back in 1988 the minister's second-reading speech on that particular bill tells us once again what ecotourism will do to those parts of the Mallee. Can I report to you about things 12 years later: a survey conducted by the Mildura council in 1988 found that in the areas of farming, beekeeping and broombrush harvesting the number of full-time jobs lost would be 156; part-time jobs lost would be 128; casual jobs lost would be 128; and the number of dependents affected by the introduction of that legislation would be 223.

The question I pose to my colleagues on the Labor benches is what led to the demise of small country towns in the Mallee? The reason identified back then was that it was a consequence of the introduction of

national parks. I can certainly tell you that our small towns in the Mallee have been gutted. If you consider the reduction in the number of local football teams and leagues that has occurred over the last 12 years, you realise that the ecotourism that was promised to the people of the Mallee as compensation for embracing the new national parks has simply not occurred. The economic development and recreational opportunities that were going to bring in tourism dollars as a result of these national parks have not occurred.

I ask ALP members to tell me who was responsible for the demise of many of those small towns in the Mallee? Who removed the beekeeping? Who removed the broombrush harvesting? Who removed much of the farming practice in those areas? What about the full-time jobs that have been lost? Many in the Labor Party like to throw the blame for the demise of country towns back onto members on this side of the house because of what happened in the Kennett years. But I must say that based on figures quoted in a survey by the Mildura City Council in 1988, they knew what was going to happen. Guess what? It has happened! Where is the ecotourism, the much-promised injection of dollars into country areas? It simply has not occurred.

That is only one component, but much to the credit of some of my colleagues in the Liberal Party, in that debate on the national parks bill as recorded in *Hansard* of 29 May 1990 Mr Birrell said:

Funding is vital to the proper management of the Mallee, particularly when those who have had licences over a long period will be moved from all or part of a property that they manage ...

I am concerned that only 15 of the 103 areas reserved under the National Parks Act have management plans. The national parks service is already under-resourced in terms of providing management plans to determine the destiny of an area.

In 1990, to Mr Birrell's credit, he identified the failings of what the then Labor government was proposing. Its management plan had no resources attached to it and in many cases there were no management plans. What we have today is an excess of kangaroos. I remember that in the early years there was an injection of funds for rabbit control. The calicivirus was released and rabbit management was controlled, but I am sad to report, having spoken to a number of landowners up there only in the last day or two, that things have returned to the bad old days of the past. There is an abundance of rabbits and kangaroos and there is severe land degradation. This is serious because not only are we concerned about issues associated with feral animals such as rabbits, foxes and kangaroos, we also have to deal with feral dogs and cats — —

An Honourable Member — And pigs!

Hon. R. A. BEST — There are not many pigs up there.

Hon. Bill Forwood interjected.

Hon. R. A. BEST — Mr Forwood, I am very disappointed that you have not been listening.

Hon. Bill Forwood — I have!

Hon. R. A. BEST — There are also concerns about noxious weeds, exotic plants and land degradation. As is consistent with the proposal under the marine parks legislation, what we are going to do is create areas of land — and it was identified by Mr Birrell in 1990 when the earlier bill on national parks was debated — as marine national parks and then we are going to look at attaching management plans to these marine parks.

It is an absolute case of putting the cart before the horse. Once again we are not looking at marine sanctuaries or marine parks in isolation because of their individual natural environments; we are trying to say that one size fits all, and that is totally inappropriate.

It is disappointing to report that 12 years down the track the land in the Mallee that is now part of the Wyperfeld National Park, a national park in the Hattah-Kulkyne area, is overrun with kangaroos. There is enormous degradation in that park and we are faced with a number of major problems because the money which supported the management plans has disappeared. I am fearful that once again creating marine national parks may create a wonderful, warm, fuzzy feeling for greenies in the metropolitan area — and I am happy for them, because in a sense the National Party supports them too — but we do not support the fact that the government has not committed money, has not identified plans and has not worked in a way to identify appropriate management of those marine areas and attach the necessary resources to them.

It is disappointing that once again the National Party will find itself voting against the two major parties. There are people, particularly on the Liberal side, who have empathy with the National Party's view, but I understand why they will vote for the bill. They represent their constituencies as we do ours. The fundamental, underlying reason for the National Party opposing the bill is based on the productive and credible work done by our leader, the Honourable Peter Hall. That work identified a model that we believe best fits the creation of marine sanctuaries and marine national parks and will protect the ecosystems in the marine environment. It is with much regret that I have

to advise the house that I will be opposing this legislation.

Hon. M. A. BIRRELL (East Yarra) — Like my Liberal colleagues, I support this bill. It is a pleasure to do so, and I welcome the formal recognition and long-term protection of elements of the state's marine environment that will result from the passage of this legislation. Tonight's debate has been long and this proposal has had a long gestation of about a decade. I suspect that a large number of people in the community, including those who are for and against the proposal, will simply be pleased to see that some finality has been brought to a long discussion which has been the subject of considerable consultation by the former Land Conservation Council (LCC), the Environment Conservation Council (ECC) and various governments.

I see this formal recognition of our precious marine ecosystems as a logical and necessary step in the process that started with the passage of coastal management legislation in the last decade and the welcome creation of the Victorian Coastal Council. Put together, it means we will have a system and a focus of marine environment management which we can all be proud of. I wish to restrict my remarks to two seminal additions to the state's world-class park network: first, the new Cape Howe Marine National Park, and second, the Ricketts Point Marine Sanctuary. I will then make some concluding remarks on the LCC–ECC process and the way it has been handled under the current administration.

Firstly, this bill will create a new Cape Howe Marine National Park. I greatly welcome it. I believe that remote and special area deserves the protection that is implicit in what Parliament is discussing. The Environment Conservation Council recommended the creation of the Cape Howe Marine National Park after a long period of discussion. Indeed, unless I am mistaken it was one of the largest marine parks recommended by the ECC. Unilaterally and without consultation that proposal was dropped from the legislation that was put before Parliament.

I was staggered by that. It was not a process that I had come to experience under the Cain or Kirner governments, and I was extremely surprised to see that unwelcome process started under this government. I will have more to say on that later.

Moving on to the special values of this area, the Cape Howe Marine National Park will be adjacent to the Croajingalong National Park and to the Cape Howe wilderness area. Many people will have been to the

area; its long sandy beaches and its reefs are features that are very hard to forget. To use the words of the ECC, it has 'ecological viability' and is therefore perfectly placed to be a marine national park that will be the focus of a substantial management effort over coming years. I believe that has to be part and parcel of any action like this taken by the Parliament.

It was not, however, part of the bill that was originally introduced by the Australian Labor Party. It went missing. We do not know whether a deal was done, but it was not part of any public consultation process, and it certainly was not the subject of any dialogue with bodies like the Victorian National Parks Association, amongst others. Fortunately that action, as the result of significant public pressure — much of which, I am proud to say, came from the Liberal Party — resulted in Cape Howe being reinserted on the list of proposed new marine national parks. We are passing on a very positive legacy to future generations as a result of the protection that will come from that reinsertion.

Ricketts Point Marine Sanctuary is in the same category. Far more people will have been to Ricketts Point, and I have to concede that Cape Howe is a little off the beaten track and will remain so, hopefully forever. Ricketts Point is going to be one of the more visited and visible parts of the protected marine ecosystem of this state. I believe the protection being afforded in this bill is essential to the preservation of the biodiversity that is in Port Phillip Bay.

This area also has a completely separate but fundamental role to play in terms of public education. Comprising about 115 hectares of rocky habitat, it is very representative of the bay's shoreline habitats and, once again, is a welcome addition to this legislation. But it also was not in the bill that the ALP presented to the house — despite the recommendations of the ECC.

That leads me to the concern I have about the violation of the historic process of dealing with Land Conservation Council and Environment Conservation Council reports. In an unusual move, the Bolte government effectively delegated much of the consultation process on land management to the LCC. It did it for noble objectives but in a horrendous political environment where such action was necessary.

As a result of that birth, which, like much in politics, was effected for good reasons as well as for reasons of necessity, we established in this state the best land management assessment agency of any state in Australia and arguably of any jurisdiction in the Western World. That is a high claim, but it is a realistic one because people come here and marvel at the

scientific rigour and consultative purity of the LCC process.

It is not one that is free of controversy, nor would you expect it to be. One of the reasons Parliament gave this power to the LCC was that the issues were controversial. But one of the strengths of the LCC process was that governments respected it to the point where all of its key recommendations were presented to Parliament, thereby underlining the rigour and the validity of the processes that preceded the bill's introduction into this Parliament. Now that process has been corrupted.

Instead of presenting the recommendations of the LCC's successor body, the ECC, to Parliament in full, the current government did a pick-and-choose process and said 'We like these recommendations, we don't like the rest, and we're going to ignore the tradition of putting the full package to Parliament'. As a result, it is creating the precedent that so many of us hoped would never be created — that is, the ECC is becoming just another pressure group.

Now the ECC puts its views to government and the government picks and chooses parts of that advice, as it does with the advice of any trashy organisation and puts to Parliament what it thinks. However, the LCC and the ECC are more important than that, and I deeply regret that the genie is now out of the bottle. As a result of that the precedent has been created whereby you can have a very important and respected world-class consultative process but at the end of the day not all those proposals are put to Parliament.

That only encourages people to say 'Okay, we are not going to have Cape Howe in, because we have done a deal over here, so I don't want my bit in either'. That is a nightmare for any minister who wants to get a bill passed. It is inconsistent with the objectives of any government — Liberal, Labor or coalition — since the Second World War, and I believe it is now almost irreversible.

I put on the record my delight that Cape Howe and Ricketts Point will be protected, but I am disappointed that they were only added to the bill after public outcry. It has not been in the interests of good public policy to have this process followed in this manner.

Finally, I am pleased that this bill does not have a section 85 statement, which restricts the legal right of any citizen in Victoria to protect their position through the courts in dealing with such legislation. In removing that prohibition, with its denial of rights, the government has paved the way for the bill to be treated

sympathetically by the Liberal Party. The removal of that prohibition was a key and quite proper requirement of ours. As a result, whilst there will always be people, even in our own ranks, who have completely legitimate concerns about certain parts of this bill, we believe that on the whole it should be passed, and I certainly believe it will be in the interests of future generations that we pass it.

Hon. D. G. HADDEN (Ballarat) — I rise to speak in support of the National Parks (Marine National Parks and Marine Sanctuaries) Bill. It is an historic moment for Parliament to have before it the bill that will establish marine national parks and sanctuaries in Victoria.

I note that the opposition Liberal Party is supporting the bill and that the National Party is opposing it, as is its prerogative. But this bill has benefits for the marine environment, it has the support of peak bodies and scientific support, and it will mean minimal dislocation in fishing areas.

The Bracks Labor government set the agenda on the debate on marine national parks and sanctuaries. We have fulfilled our election commitment and our core election promise to create a prime environmental representative system which has scientific support. It is important to note that Cape Howe and Ricketts Point now come under the protection of the national parks system.

The significance of this bill is that it will provide a suite of protected marine areas. It is a world first-class environmental initiative, and we need only look at the Canadian experience over the last couple of decades to see what happens when there are partial-take and no-take zones in our fishing waters. I refer particularly to Canada's Grand Banks fisheries, which in the 1950s had a safe quota system which failed and the cod catch fell from 810 000 tonnes in 1968 to 150 000 tonnes in 1977. As a result the fish stocks were exhausted, the fishery collapsed and tens of thousands of fishers and fish plant workers lost their jobs.

So in 1994 the Canadian government established the Atlantic groundfish strategy to readjust the injury at a cost to its budget of CAN\$1.9 billion. The marine national parks to be created in Victoria will be a world first and will provide protection against such environmental and human-induced disasters.

The bill comes as a result of 10 years of extensive consultation, research, discussion and debate, firstly from the Land Conservation Council and then the Environment Conservation Council. It included six

formal consultation periods, over 4500 submissions and numerous meetings and discussions with a wide range of interest groups. It involved an interim report released in 1999 and a final report released by the ECC to the minister in August 2000. Since then the government has consulted many stakeholders representing diverse interests as well as representatives from several coastal areas before making its decision.

The marine national parks package represents a fair and balanced outcome which will offer a high level of protection to Victoria's unique environment. The bill establishes 13 national parks and 11 small marine sanctuaries covering 5. per cent of Victoria's coastal waters, which leaves 94.6 per cent available for every other social and environmental activity. The systems of parks and sanctuaries will ensure that samples of Victoria's diverse, unique and amazing marine environment are protected for all Victorians for the future. As we heard from the Honourable Gavin Jennings, around 90 per cent of our marine plants and animals are found nowhere else except in Victoria's marine environment and over 12 000 marine animals and plants live in Victorian waters.

There will be little impact on the availability of fishing spots. Something like 300 fishing spots have been identified by the *Victorian Fishing Atlas* for coastal fishing, only 15 of which will be affected by a marine national park or sanctuary. Nearly 95 per cent of Victoria's marine waters remain available for recreational fishing, including 98 per cent of Port Phillip Bay, 94 per cent of Western Port and most of Corner Inlet. No other inlet and none of the Gippsland Lakes are affected.

The scientific basis for the recommendations of the ECC and the establishment of the marine national parks and sanctuaries in the bill is endorsed by scientists. The ECC had a wealth of scientific, social and economic data to help it develop its recommendations for government. Last year more than 100 Australian marine scientists signed a statement supporting the scientific basis of the ECC's recommendations and the system of marine national parks and sanctuaries. Last year the American Association for the Advancement of Science released evidence of the benefits produced by fully protected marine reserves within and beyond their boundaries.

It is important to note that quite apart from the statutory compensation scheme established by the bill there are a variety of government enterprise improvement, regional assistance and employment programs available through the Department of Innovation, Industry and Regional Development.

A statutory compensation scheme will be put in place to assist the fishing industry to adjust to the impact of the bill. The legislation provides such a statutory compensation scheme for eligible rock lobster, fin fish and other specified licence-holders and fishing charter boat operators.

The bill also provides a number of assistance measures for enhanced enforcement. We as the government are firmly committed to increasing our fisheries enforcement and compliance measures, particularly in relation to the abalone sector. In last year's state budget the government provided an additional \$14.3 million over four years for enforcement and compliance, and \$3.4 million each year thereafter. This financial commitment by the Bracks government will provide for 21 new regional field-based fisheries officers; three strategically located regional investigations officers; a special investigations group to be expanded to include three additional intelligence analysts and investigators to concentrate on illegal abalone activities; a permanent fishery station to be established at Geelong and Warrnambool, and a new fisheries patrol vessel to be purchased to strengthen the compliance at sea along the Gippsland coast. The additional fishery enforcement effort will be complemented by 18 new positions for on-ground management and planning for the marine national parks and sanctuaries.

The bill also requires a plan of management to be prepared for each marine park and sanctuary through proposed section 17D of the National Parks Act of 1975. Section 85 of the Constitution Act of 1975 has not been limited or amended in any way by the bill, and the rights of people who may be affected by the bill when it is enacted will not be curtailed and they will still have their compensation rights through the Supreme Court should they so desire.

In relation to native title and indigenous fishing, clause 19 of the bill states that it is not intended to affect any native title rights or interests unless they are affected or are authorised to be affected by the commonwealth Native Title Act of 1993. The clause does not act to recognise native title claims because they are determined under the Native Title Act.

I also received a number of letters supporting the bill from organisations such as the Australian Marine Sciences Association and the Australian Marine Conservation Society. I shall not read them other than to say that they absolutely and categorically support marine national parks to protect biodiversity and enhance commercial and recreational fisheries resources, as I do.

Finally, I note the words of Sir Rupert Hamer and Joan Kirner, AM, our first female Premier in Victoria, who said jointly that:

This will be an achievement of enduring worth, every bit as important as the establishment of Wilsons Promontory and Mount Buffalo national parks all those years ago.

In conclusion, I thank Professor John Lovering, Eda Ritchie, Jane Cutler, Shane Dwyer and staff of the Environment Conservation Council; the Victorian National Parks Association; the Australian Conservation Council and the Marine and Coastal Community Network. I also wish to thank and acknowledge the tremendous work of Rod Gowans, Doug Hooley, Joan Phillips and other Department of Natural Resources and Environment officers and staff who have done a tremendous job.

Last but not least I wish to thank and acknowledge the tremendous work of the Minister for Environment and Conservation and the Minister for Energy and Resources. The legislation represents a significant and world-first environmental initiative by the Bracks Labor government, and I commend the bill to the house.

Hon. PHILIP DAVIS (Gippsland) — I am pleased to join the debate on the National Parks (Marine National Parks and Marine Sanctuaries) Bill. It is very important legislation when one is contemplating how one might address such a bill, particularly given the differing viewpoints that are put to a member who represents a coastal electorate that covers a significant commercial fishing industry.

More than 50 per cent of wild-catch fishery in Victoria comes from Gippsland. There is a significant recreational fishing interest and just among local constituents — many people from around the state, including Melbourne, visit Gippsland for the opportunity of indulging in fishing in bays and inlets and offshore.

The issue before the house is an evolution of a process commenced in 1991. The record, as I understand it, is correct in that the original reference was given to the then Land Conservation Council in 1991 by a former Premier, Joan Kirner. Under the LCC it ground its way through the first Kennett government, and I think it is fair to say that one of the reasons the LCC was extinguished and replaced with the Environment Conservation Council was the frustration that the process was not as effective as it could have been. The ECC was appointed by the former Minister for Conservation and Land Management, Marie Tehan,

and the reference was effectively transferred to the new body.

I have had a long involvement in the issue in the sense that I have about four filing cabinet drawers full of material relating to this matter: correspondence, reports, submissions and the rest of it that have accumulated over my almost 10 years in the Parliament. I took a keener interest following the 1996 election when I became a parliamentary secretary and worked with the Department of Natural Resources and Environment and former ministers Tehan and McNamara, who had their respective different portfolio views about the issue.

More particularly, I was exposed more closely to some of the stakeholders, particularly those who represented both recreational and commercial fishing interests and those associated with the advancement of the protection of our natural environment, both lobby groups and government statutory authorities. It was clear to me that the process was going to be arduous, but all of the debate and representation that has occurred over the time has been motivated essentially by very sincere people with strong beliefs that the creation of a marine park or sanctuary that excluded a particular activity — in the case of commercial and recreational anglers, denying them access to particular fish stocks — was an unreasonable act. Others, who strongly advocate certain restrictions to better protect the marine environment, see the parks as a fair thing.

At the end of the day someone has to make a difficult judgment. It has not been helped by what I would describe as the inadequacy of the representation of recreational anglers by the peak recreational body, VRFish. Probably the most disappointing thing for me in this debate is the fact that VRFish, which was set up by the former Kennett government to be the peak body to represent anglers, has failed its constituency entirely. As a consequence, we will see little regard paid to future representations on major policy issues by that body.

Clearly, the Environment Conservation Council, as it was, worked diligently and certainly under a fair bit of pressure to arrive at an outcome. I am not very good at maths but I remember studying combinations and permutations, and the myriad reports tabled from time to time are a reflection of the statistical fact that you can come up with just about any interpretation of particular outcomes if you so desire.

Eventually an assessment must be made about what is the correct thing to do. The ECC made recommendations which are, in part, before the Parliament. Some of them have been altered. Both in

the development of the ECC recommendations and the subsequent political actions taken since to develop this bill, there is no question that there is a need to accommodate and be flexible and to get an outcome that the majority of stakeholders can live with.

I will not digress and talk about the statewide recommendations. Other honourable members can speak on behalf of their electorates. I would like to comment particularly about Gippsland. I recall one proposal being considered for a marine park from Marlo to Cape Conran. I am sure that Shane Dwyer of the ECC would remember the lively discussions that occurred around 7 January 1998 or 1999 in the Marlo pub. It is designed to hold about 20 people and yet we had 500 people in the pub that night. Three weeks later we had another 500 people in the Orbost Secondary College hall. Pleasingly, that proposal disappeared somewhere in the mix and we ended up with a recommendation that did not include that draft proposal. I am pleased to say that I do not have to confront those 500 people again to explain why we adopted such a recommendation.

Late in the evening after we had a lively discussion I put to Eda Ritchie, who was representing the ECC as a member of the council, in relation to one of those meetings, I think in Orbost, that the problem was not that the ECC was trying to select areas to be preserved, protected or locked up, as some describe it, but that we were trying to manage our marine environment in a limited fashion. It was my view that the whole Victorian coast should be managed as a marine park. There were ways that could be reasonably done with existing fisheries management tools under the Fisheries Act. I believed we should have taken a holistic approach to the better preservation of the entire coastline and ensured it was managed more effectively. The problem was that by identifying a narrow area, if you like, of representative coastline we were missing a huge opportunity to improve the overall health and environmental values of our marine coast and, of course, to face up to the real tragedy which is that the discharge of man's activities on land into the marine environment and waterways is the real problem. As long as we ignore our pollutants going into the marine environment there will be continued decimation of the fish habitat.

I remember having the discussion with Eda Ritchie and trying to persuade her of that view. It was after a very willing meeting and we did enjoy a couple of glasses of cold ale. I was disappointed that what I thought was a brilliant idea at the time, after several glasses of cold ale, did not translate into a recommendation for the whole of the Victorian coast. But we have to live with

what we have. I have had strong recommendations made to me by commercial fishermen in my area that there is necessarily a time to bring this debate to a close. Indeed, I congratulate the likes of Neville Clarke and Joe Pinzone at Corner Inlet, who led their 19 commercial fishermen who have bay and inlet licences to fish in Corner Inlet. They have effectively negotiated with the government an outcome that they believe they can satisfactorily live with.

It is a different outcome than was recommended by the ECC, but what has been achieved is a modified proposed park which the legislation incorporates and it will achieve the objectives that were defined by the ECC. The fishermen themselves recognise they could not spend an eternity being uncertain as to what their future held. That has been one of the major dilemmas of the debate — that commercial fishermen have not been able to look forward with confidence to access to resource. They have had that doubt lingering over them.

The eastern zone abalone fishery, particularly at Mallacoota where there has been a significant investment of effort over time to develop and find international markets for abalone, has been one of the leaders in trying to add value to our wild fish catch. The proposed Cape Howe marine park posed a problem because its impact on the fishery would be significant. Again the government in negotiation with the fishery stakeholders, having accepted the need to put the Cape Howe park back into the mix, conceded that the Iron Prince Reef as a productive abalone reef should be excised for the purposes of enabling abalone harvesting to continue. That was sensible because the activity of abalone fishermen in the area will provide an enforcement activity, if you like, which will ensure a restriction on the amount of illegal take — that is, poaching — given the proximity to the New South Wales border. Undoubtedly there are presently and will continue to be pressures from New South Wales fishermen to come down and take abalone from Victorian waters.

I want to say why I came to the view that I wished to support the legislation. While I am unconvinced that this is the ideal outcome — as I have alluded to, I would have preferred a more holistic outcome than that proposed by this representative sample of parks — it is clearly the best that will happen in this generation of parliamentarians. Over the past 11 years enormous effort has been put in by government department officers; by people involved in government policy as advisers, ministers and on policy committees; in the parliamentary process; and by people who made submissions and continue to negotiate, whether they be commercial or recreational fishermen or environmental

lobbyists. I do not think anyone could sustain the effort to go through another 11 years of this to produce a new outcome which might be substantially better.

However, I hope that as a result of the debate that has occurred the community has a much better understanding of some of the issues. I was concerned about the direct impacts on rural coastal communities, and that the adverse impacts we have seen whenever terrestrial parks have been introduced — I have had this dialogue with lobbyists from the Victorian National Parks Association and I cannot find examples where terrestrial parks have been created and there has not been a significant adverse effect on the local community and social infrastructure of small rural communities — would also be the case with marine national parks. However, I believe the measures that have been negotiated through compromise have substantially ameliorated those risks.

Given that I am being advised by my own constituents, particularly those in the commercial fishing sector, that this is probably the best deal going around, my view is that we should take the deal. It is good for them to get on with the business of harvesting fish, and from the point of view of the community there is a positive outcome in a perception of improved net environmental management. However, I leave this qualification: I wonder what it would have been like had we been courageous enough to have taken a model to manage the whole of the Victorian coast as marine park. Without further ado, I conclude by saying I support the bill.

Hon. W. R. BAXTER (North Eastern) — I am not opposed to national parks and I am not opposed to marine parks. What I am opposed to is the declaration of such parks on the grounds of some sort of emotive claptrap, as we have heard tonight, that this is leading-edge stuff, that this is the first in the world or the best in the world, and that is why we should be doing it. That is very poor grounds to do anything — just because you are the first — if it does not have much rigour about it.

I do not have any objection to particularly unique areas, whether on land or sea, being managed appropriately and being given special protection. But I certainly have an objection to large areas, whether on land or sea, being declared parks, with prohibited uses attached thereto, and that is exactly what we are seeing in this bill tonight.

We have heard from Ms Romanes about how good all this is. We know that she has a total objection to any private individual making a living from public land. We

heard Mrs Carbines read into the record a whole heap of letters that she had received from Labor Party apparatchiks and members in her electorate. I do not think the authors of any of the letters she was quoting from — save perhaps from her constituent who happens to be working in Russia — had any idea what they were on about at all; they were simply on this emotional trip that this has got to be good.

Then, of course we had Ms Hadden do her usual thing and re-read the second-reading speech — —

Hon. D. G. Hadden — I did not do any such thing. I took copious notes. Take that back!

Hon. W. R. BAXTER — Yes, copious notes taken directly from the second-reading speech!

Somewhere along the line this community has to come to grips with where it is going. How much longer can we continue to undermine the great wealth-producing part of this state — that is, country Victoria? We have seen the timber industry undermined; we have seen the mining industry undermined; we are seeing the fishing industry being very seriously undermined by this legislation; and we hear of proposals to increasingly restrict agriculture in this state — whether through native vegetation clearing regulations or a whole heap of other things that are being bandied about at the moment.

It just makes me wonder when we as a community are going to come to the conclusion that we have to call a halt to undermining the capacity of our natural resource wealth producers to continue to prop up and underwrite the economy of this state. That is all the more aggravated in my mind by the propensity we have as a society and a community in Australia in general and Victoria in particular to crowd into this great urban ant heap around Port Phillip Bay and cluster around the shores and the environmental degradation and pollution that that causes to our land, sea and air by the fact that we now have something like 4 million people living here in Melbourne.

We spend most of our time arguing about environmental issues in rural and country Victoria, with very little account indeed being taken of the environmental damage that is being done by millions of people clustering around the shores of Port Phillip Bay. I think our priorities are cockeyed. Somehow or other many suburban or city dwellers, either through ignorance or through failure to open their eyes or failure to confront reality, do not seem to be appreciating at all the need to do something more about this great polluter: the city of Melbourne.

Every time I drive up the Hume Highway I see those two-storey monstrosities being built on Mount Ridley for people who will have no connection with the central business district whatsoever. They might as well be living in Wangaratta, Warrnambool, Mildura or Wodonga, where we have surplus infrastructure and could well accommodate them, but we as a society are allowing them to cluster around the outskirts of Melbourne.

That is the sort of issue we ought to be confronting as a society and not worrying too much about locking up huge areas of the sea on the basis that somehow or other they are a threat to biodiversity, they are not being properly managed and that just by declaring them a national park — hey presto! — everything will be all right. As Mr Hall and Mr Best so graphically pointed out, the National Party would prefer to have a management plan in place beforehand and would certainly advocate that there be multiple use of those areas rather than pushing out ordinary citizens who happen to have been using those locations for years to make a living and to assist in the wealth production of our community.

I cannot let this go tonight — and it is after midnight so I will be relatively brief — without reflecting for a moment or two on the extraordinary contribution by the shadow minister for conservation and environment, the honourable member for Doncaster in the other place. I read the honourable member's speech with interest, as honourable members would expect I might. I was astounded at the way he quoted numerous letters with approbation. I noticed they were letters that were praising him up. He quoted a letter of congratulations from that grandiosely named body, the Victorian National Parks Association. As I have remarked in this house at other times, the VNPA is nothing more than a self-interested lobby group. An interesting letter appears in today's *Weekly Times* which I commend to honourable members. It points out just how the VNPA is nothing more than a lobby group. According to the honourable member for Doncaster it is a body of extremely high reputation. I think not!

In praising this legislation the honourable member quoted from various other sources. I would have said each one of them was one of the usual suspects. Oddly enough he did not quote any letters from people who had concerns about the legislation, yet I know full well that the shadow minister received dozens if not hundreds of letters from people who are concerned about the legislation.

Hon. P. R. Hall — He did not comment on my letter either.

Hon. W. R. BAXTER — No, and as Mr Hall said to the house earlier, the honourable member for Doncaster totally ignored a courteous submission from him which put forward an alternative idea. It was astounding that the honourable member for Doncaster, as the lead speaker for the opposition, would make such a speech. It seemed to me that he was absolutely breaking his neck to get the legislation passed. He claimed credit for the compensation provisions which are now in the legislation and said how great they were.

I was reminded of some proposed legislation we debated in the house a year or two ago which was going to extend the powers of the Environment Conservation Council. The shadow minister forgot to tell his party room that it was going to affect private land. It is a bit like that now, because I do not think the shadow minister has told his party room just how narrow the compensation provisions are in this bill. They are very narrow. The hurdle has been set so high that I do not think many, if any, will get through. Neither does the government. If it did think so it would have made greater monetary provision than it has made for compensation.

What about all the country communities which will be badly affected by the legislation? It was said that the first bill was no good because they were being denied the right to compensation. Now it is being said that everything is wonderful because compensation is now included and that we have had a great victory. Let it be said that history will show that the compensation provisions that have been inserted in this bill are little more than a confidence trick, because they are simply drawn so tightly that very few will get through the drafting gate.

I congratulate Mr Hall on the work he has done in putting forward a workable proposal. It cannot be said that the National Party is opposing this legislation for some sort of principle that has not been thought through or because it simply wants to oppose it. The National Party put out a discussion paper that was extremely well received, as well as an outcomes paper, and its members have consulted widely. I do not have any marine parks in my electorate, of course, it being in inland Victoria; however, I have been to Corner Inlet and I have met with numerous people in other areas who will be affected by the bill. I believe the proposals put forward by the National Party deserved far better consideration than they received.

The National Party certainly stands by its position on this legislation, as it has said so often in this house. Mr Best regaled us earlier with a neat bit of history about debates we have had in the past, and we have not

changed our stance on the issue since then. We are not opposed to national parks; we want proper management, multiple use and, certainly, an appropriate budget.

I am reminded of the comment Mr McQuilten made in the house a couple of weeks ago to the effect that 'It's only about 5 per cent of the coast and therefore you have nothing to worry about'. Putting aside the fact that it happens to be the best 5 per cent in terms of fishing potential, let's look at what has happened elsewhere when national parks have been declared in this state. We heard a bit about this from Mr Hall and Mr Best.

The percentage of land occupied by national parks started off very low but kept creeping up incrementally, and now up to 16 per cent of the state is made up of national parks. That is what will happen with marine national parks. Will the chardonnay set and the Victorian National Parks Association be satisfied with what they are getting tonight? Of course they will not! They will keep agitating and pressuring governments, and a weak-kneed government hankering for a vote in the suburbs of Fitzroy and Collingwood is likely to give in. One day we will see country communities put under even greater economic threat.

Mr Best put the lie to the claim that we hear from the government so often that 'The jobs that are lost because we are declaring national parks will be replaced by tourism'. That is what the government said about the Murray-Sunset country, and about the Hattah-Kulkyne and Wyperfeld national parks. We know what has happened since: the towns in those areas have gone backwards. Mr Philip Davis from Gippsland expressed exactly the same reservations and sentiments a moment or two ago.

This is not trailblazing legislation, and it is not landmark legislation. This is legislation that will undermine the economy of the state of Victoria and, more particularly, put at risk the livelihoods of country people, in particular country people who are struggling in any event.

I conclude where I started: I am not opposed to national parks, but I am certainly opposed to the wholesale lockup that we are seeing in this legislation.

Hon. JENNY MIKAKOS (Jika Jika) — I am very pleased to be able to contribute to this historic and important debate and to speak in support of the National Parks (Marine National Parks and Marine Sanctuaries) Bill. The provisions of the bill have already been covered quite extensively by other speakers, and I will only touch upon a couple of aspects

of it. Firstly, I will put firmly on the record that there is a scientific basis and framework for this legislation; and secondly, I will discuss briefly the impacts that this legislation will have on the recreational fishing sector.

The bill will establish 13 marine national parks and 11 marine sanctuaries that will protect a representative sample of Victoria's marine biodiversity for future generations. The bill contains extensive management and enforcement provisions, and it prohibits certain activities such as fishing, aquaculture, mining and extractive activities such as petroleum extraction.

A very important component of the legislation is the statutory compensation scheme that is included in the bill. That has been adequately addressed by previous government speakers; I do not intend to cover that in any detail, but I believe it is a key component of the legislation. It seeks to alleviate any economic impact that may be faced by the commercial fishing industry and is supplemented by a regional assistance package that has been included in the budget. It is also supplemented by enhanced enforcement measures that will also benefit the commercial fishing industry. This legislation reflects the Bracks government's triple bottom line approach to public policy — that is, considering and balancing economic, social and environmental considerations when addressing important public policy issues.

This legislation will see a culmination of 10 years work over three successive governments of both political persuasions. As was generously conceded by the Honourable Philip Davis in his contribution, this process commenced in 1991 under the Kirner Labor government when the original reference was handed to the Land Conservation Council, which was the predecessor body to the Environment Conservation Council (ECC). I agree with the Honourable Philip Davis — I do not often agree with him — that we do need to bring to a culmination this 10 or 11-year process. It is important that we bring this to a head because there has been a great deal of uncertainty amongst commercial fishers, and I think that industry deserves to see this process concluded.

There is very sound scientific evidence and a very sound scientific basis for this legislation. I reject wholeheartedly the assertion made by the Honourable Bill Baxter that this bill does not have any scientific rigour. It does. Given the hour, I cannot cover all the scientific evidence that has been made available to me, but I want to stress that the system of marine parks and sanctuaries which will be established by this bill will seek to contribute to nationally agreed objectives which have been established under the

interim marine and coastal regionalisation of Australia classification system. That is a system that has been agreed to by all Australian governments. It will ensure that the areas protected under the system of marine parks and sanctuaries will protect a representative sample of Victoria's biodiversity.

There has been a great deal of scientific research done by the ECC as part of the production of its final report that was released in August 2000. That report was based on a range of surveys. They used sonar technology. They had dives by scientists. They also had a range of oceanographic processes across the whole of Victoria's marine area. They essentially mapped the diversity of Victoria's marine life across all the coastal areas of Victoria and therefore came to a conclusion as to which were the key areas that needed to be protected.

I want to acknowledge that we do not know everything there is to know about marine life or about our oceans. I recall not too long ago seeing a documentary about current research into our deep seas — our oceans — which acknowledged that we seem to know more about the surface of the moon than we know about the oceans of our own planet. A lot more work needs to be done on the diversity of marine life that exists in our oceans, seas and bays. However, this legislation is based on sound scientific study. A number of studies overseas have found that the establishment of protected areas, or no-take zones, has a significant impact on the size of fish stocks and other marine life.

A survey of 100 no-take reserves around the world found average increases of 91 per cent in the number of fish, 31 per cent in the size of fish and 23 per cent in the number of fish species present. Most importantly, these benefits spilled over into areas where fishing was still permitted with, in some cases, very significant increases in fish stocks adjacent to the reserves. Hopefully after the establishment of these marine parks and sanctuaries we will see an increase in fish stocks, in the size of fish and in the range of species actually spilling over from those no-take zones. That will of course benefit not only recreational fishers but also the commercial fishing industry.

I note that monitoring of fish in the very few no-take areas presently in Victoria, including areas such as the Bunurong sanctuary zone and the Harold Holt reserves in Port Phillip Bay, has shown an improvement in the availability of fish stocks as a result of the no-take zones in those areas.

The creation of a system of Victorian marine parks and sanctuaries has been supported by a very large number of eminent scientists both in this country and around the

world. For example, the Australian Marine Sciences Association supports the scientific basis of the ECC's recommendations. Last year more than 100 Australian marine scientists signed a statement supporting that scientific basis and the system of national marine parks and sanctuaries. During the course of last year we also saw the American Association for the Advancement of Science release evidence of the benefits produced by fully protected marine reserves both within and beyond their boundaries.

I will quote briefly from the ECC's final report, and in particular from page 35, where the uniqueness of Victoria's marine biodiversity is outlined. The report states:

Victoria's underwater environments are special, often containing spectacular landscapes, a rich flora and fauna, and many species which are found only in south-eastern and southern Australia.

The report goes on to state that Australia's southern waters support the world's highest diversity of red and brown seaweeds, sea mosses, crabs, shrimps and sea squirts. It continues:

A remarkable feature is that 90–95 per cent of species in most groups occur only in southern waters and nowhere else on earth. Our southern marine communities are as distinctively Australian as our terrestrial marsupials and other flora and fauna.

The report goes on to note that while approximately 15 per cent of Victoria's land is protected through parks or conservation reserves, at the present time less than 0.05 per cent of Victoria's marine environment is highly protected.

Up until this point in time there has been a huge disparity in the protection that we have afforded our marine diversity. More protection has been given to our flora and fauna on land, but very little has been given to our flora and fauna under the water and to marine biodiversity.

I will touch briefly on the impact of this legislation on recreational fishing. Last year I met with representatives of the Preston Angling Club and the Fish Protection Society, who outlined their concerns about the impact of the proposed marine parks on recreational fishermen. I have received lots of correspondence from many perspectives, as have other honourable members. I must say I have been quite surprised by the passions that fish seem to raise in this state, and I think that is a good thing, but when I received all this correspondence I thought I needed to learn more about how the system would work.

It is important to note that only 5.3 per cent of Victoria's waters will be locked up in this system of marine parks and sanctuaries. None of the more than 100 piers, jetties, breakwaters and wharves in Victorian coastal waters will be included in any of the marine national parks and sanctuaries. In addition, the most recent edition of the *Victorian Fishing Atlas* shows that out of the approximately 300 fishing spots identified for coastal fishing, only 15 are affected by the proposed marine national parks or sanctuaries. The boundaries of a number of parks have also been modified to provide recreational anglers with continued access to popular spots.

I reject the assertion made by the Honourable Bill Baxter that people in Melbourne do not appreciate the beauty of our rural and regional areas, nor the value of our natural resources. It is important to remember that in two and a half years the Bracks government has delivered far more to rural and regional Victoria than was ever seen from the National Party during seven years under the Kennett coalition government.

This government is looking after rural and regional Victoria, and the compensation and the other forms of industry assistance that have been provided as part of this package will look after those communities. This government cares about those communities, and it has addressed their concerns as part of this legislation.

Mr Baxter may like to know that as a young girl I spent every summer holiday at Apollo Bay, and I am very pleased that the Marengo Reefs Marine Sanctuary has been included in this legislation. My family camped at Marengo for many summers, and whilst I was never a very successful recreational fisher I appreciate that it is a very important pastime for many Victorians. The inclusion of this marine sanctuary will provide many Victorians with an opportunity to engage in ecotourism in the Apollo Bay area.

In conclusion this is an historic piece of legislation, and I am very pleased to give it my support. This will be a day we will remember for a long time to come as the day we protected our marine biodiversity, thereby providing enjoyment for many future generations of Victorians.

Hon. P. A. KATSAMBANIS (Monash) — Even at this late hour it is a pleasure to speak on this bill and to register my support for the creation of marine national parks and marine sanctuaries in Victoria's coastal waters. The creation of marine parks and sanctuaries has been a long time coming. It has been more than 100 years since our first terrestrial parks were created here in Victoria. In many ways the fact that we did not

have any equivalent national parks in our waterways was an omission in the preservation of our unique environment and its biodiversity. That is why I welcome the steps that have been taken to create these parks.

As I said, their creation has been a long time coming. For 10 years the Environment Conservation Council undertook studies, and over those years it produced a great volume of work that stands as a testament to the time and effort put into its endeavours. It also stands as a testament to the great richness and diversity of marine life in Victoria. There is no doubt that our coastal and marine environments across Victoria, from the easternmost part right across to the South Australian border, protect so much marine life that is unique to this part of the world. Unless we take active steps to preserve representative samples of that marine life we will run the risk of not passing on that diversity and that wonderful character of marine life to future generations. As custodians of this unique environment it is up to us to protect it, and that is what this bill does.

Many of us would have liked to see the debate on marine parks finish when the Environment Conservation Council delivered its final report. We would have liked to have seen a process of the adoption of that report that led to immediate community acceptance of and immediate bipartisan support for these proposals. Unfortunately in the past year we have undergone a process through which we have all learnt a lot. There is no doubt about that. I do not want to raise the temperature of the debate in any way, but there is no doubt that the package the government presented last year was terminally flawed. To have supported such a package would have been wrong. It would have disadvantaged fishing communities who were not able to access compensation for losing existing, longstanding rights. It did not include important areas such as the proposed Cape Howe Marine National Park and Ricketts Point Marine Sanctuary in Port Phillip Bay as part of the areas to be protected. Some of the boundaries in the package were wrong.

It took a very interesting process over the past year to arrive at the situation we have today, and the shadow minister for conservation and environment in the other place, the honourable member for Doncaster, and the Deputy Leader of the Liberal Party in this place, the Honourable Carlo Furletti, deserve great credit for their very effective work. In the end, the Leader of the Liberal Party in the other place, the Honourable Denis Napthine, also deserves great credit for his intervention in ensuring that we arrived at a conclusion that could be acceptable to the Liberal Party. There is absolutely no doubt that the Liberal Party is committed to establishing

marine national parks and to preserving unique marine environments. We may argue about specifics, such as where you might draw the borders, but there is total commitment to the creation of these parks, and that is a great step in the right direction.

Despite today's package, I do not think it is the be-all and end-all. We are preserving 6 per cent of Victoria's coastline, which gives us a fairly representative sample. However, as yet we do not have a management plan or any clearly identified guidelines as to how we will monitor the progress and success of these marine parks. We have no indication of any ongoing monitoring of the areas outside the marine parks to see what impact the creation of marine parks will have in the other areas.

I hope the government will address these omissions, and soon. I will not hold my breath because this government is not known for acting too quickly on these matters. I think it is important, however, that now we have established these parks we put together effective management plans and put in place a method of monitoring the impact not only within the parks but on our entire coastal environment as a result of the creation of the parks.

On another issue, the Marine and Coastal Community Network wrote to me a few days ago and highlighted the fact that members are concerned that the legislation appears to allow seismic testing for oil and gas within the proposed parks. I trust that that is not the case, and I seek the assistance of the minister tonight to rule that out. It is a concern that the Marine and Coastal Community Network has, so it is a concern that I have. We did not, I would imagine, create marine parks so that we could start testing for oil and gas in them! That is something I would not support.

The Marine and Coastal Community Network also highlighted the fact that there was no process in place to safeguard the parks from targeted commercial fishing in the lead-up to their declaration. That is something that can, I guess, be monitored. I imagine that the parks will be declared very shortly, and it has not come to my attention that there has been any overexploitation of the resource within the proposed parks from commercial fishing interests.

Although the recreational and commercial fishermen put some very strong cases, the vast majority of their concerns have been answered in this process between the time the government brought in its draft legislation and the debate we are now engaged in. I understand that the commercial fishermen have not got everything they wanted and that the recreational fishermen also have not got everything they wanted; and that is also true of

the interests that were looking for larger preservation zones. The legislation is a good compromise that will continue to ensure the viability of commercial fishing interests and recreational fishing as a sport in the vast majority of Victorian coastal waters.

Very importantly, it creates a series of marine parks and marine sanctuaries that will ensure that the future generations of Victorians will be able to enjoy the great diversity of marine life that is held within our coastline, that has been enjoyed by previous generations and is enjoyed by our generation as custodians for future Victorians.

It is with great pride that I can stand in this place today and say I am one of the voices in this chamber that will make sure that our unique marine life is preserved forever. It is a momentous day for Victorians, and I commend this bill to the house.

Hon. J. M. McQUILTEN (Ballarat) — I do not have a coastline in my electorate so it is, I suppose, unusual that I was contacted some 18 months or two years ago by the seafood industry in Victoria. I have had dealings with them now for over two years. I believe there has been some comment in this debate about a lack of consultation by the government, but from my point of view that has not been the case — although we sometimes were a bit slow responding to the industry.

The reason I was contacted was that in the late 1980s I worked on the south-east trawl that was such a problem under the ministerial control of the Honourable David White. I had some dealings with crayfish and rock lobster. Then, later on, in the mid-1990s I worked in the scallop industry as a consultant. So I have some understanding of those two areas of this debate.

The third area, which I had no knowledge of, was the abalone industry. In my last meeting with the seafood industry, around February, I was asked to visit a part of the abalone area, the eastern zone which I believe runs from Cape Howe to Lakes Entrance. There are approximately 23 licences in that area and the harvest is around 460 tonnes. I went down and investigated their problems and the issues of that particular part of the industry about which I was sadly ill-informed until that visit.

I will comment about the abalone industry, particularly in the eastern zone, which I found to be probably the most green and conservation conscious of any industry I have ever seen in terms of harvesting a natural product. It is all done by hand. They know what they are doing and, unlike other parts of the seafood industry

where fishers are on boats putting things away and over the side, these boys are actually under the water. They do it by hand, and they know what is going on with their resource.

I asked them on the Friday night, ‘Why aren’t we eating crayfish tonight, because I know you can collect crayfish in this eastern zone’. They told me, ‘We don’t collect the crayfish because the crayfish eat the starfish that eat the abalone’. There is a balance that has to be kept. People in this abalone industry today are very much aware of that. It is interesting to note that this industry began only in 1963–64. There was a gold rush and the whole southern coast of Australia was completely ruined by overfishing. Then the people in the abalone industry slowly began to get their act together and to work back their resource.

I was on the border of the two states, at Cape Howe. I asked a fisherman on one side, ‘What are you catching?’. He said, ‘About 30 kilograms per hour’. On our side we were catching 120 kilograms per hour. The difference is purely because of resource management. We are leading the way in that area in the eastern zone and in Victoria.

I have a lot of faith in the people in the seafood industry. However, they will have problems adjusting to the package we have put together. It is not going to be easy for them but we will be able to work through all the issues which have to be worked through. There are a lot of them. In the abalone industry we have the problem of the illegal catch and that is not going to be easy to solve. The government will have to be vigilant and work with the industry to try to reduce the illegal catch that is going on, but it is not going to be easy. I know that, the industry knows that and the government knows it. But that is a real part of this equation of national parks.

I do not want to talk ad nauseam about what everyone else has talked about — how wonderful it is going to be. I am assuming that everyone knows that we need the national parks and that it is a great move. I am talking about the people in the actual industry that I have been spending a lot of time with, in trying to bring their views to the government.

I would like to finish by thanking Lyn Warne who is the chair of Seafood Industry Victoria. Lyn has done a wonderful job and it has not been easy for her or her industry. She has not had all the wins that she wanted but I have been trying to help her. She and I have the view that this had to be resolved. One of the worst problems in life is uncertainty. This debate has been going on for a long time, and when you are in a

business, you need certainty. We are now moving into that area when we will have a decision, hopefully in an hour's time, and the industry can move forward under new circumstances.

I also thank Paul Welsby and Joe Peel, who took me around the eastern zone of the abalone area. They are wonderful guys and I thank them for educating me on the intricacies of the abalone industry. I also thank the Minister for Environment and Conservation and James O'Brien, who did a wonderful job in working through a lot of those very hard issues. The whole government needs to be congratulated, but particularly James, who did an excellent job in working with the seafood industry.

Hon. G. R. CRAIGE (Central Highlands) — Today is a significant day for the environment of Victoria and Australia. No doubt by this legislation passing through this chamber we will protect and enhance our marine environment for the future. It is something that I believe most members of this chamber and certainly the community support.

Tonight honourable members have heard about a lot of people who have been involved. I support the government's point of view but I also understand and appreciate the National Party's point of view and the diverse points of view that Liberal Party members have put. A lot of hard work has been done by many people with many views. It is great for our democratic system that we are able to exercise and put those views publicly without fear or favour. A lot of work has been done by the Environment Conservation Council, the Seafood Industry of Victoria and the Victorian National Parks Association, and also by VRFish, recreational fishing interests, angling clubs, individuals like Rex Hunt and many individuals in government, in the bureaucracy and within fisheries. We should not leave out those people who work within the fisheries division and the Department of Natural Resources and Environment who have worked to achieve today's outcome. I thank the Honourable Carlo Furletti for the work he has done as our leader on this matter.

In some respects I am disappointed that the debate in recent times has caused division and conflict and there has been a degree of misinformation being presented in the public arena.

I would like to address several issues, one being Corner Inlet and then very quickly Port Phillip Bay, recreational fishing and the abalone industry. I thank the Honourable Philip Davis for giving me the opportunity to work with some of the greatest people I have ever had the opportunity to work with in my

15 years in Parliament. I have come to respect and understand a group of people who believe in the environment and believe that it is essential for their future livelihood. I place on record those people in the Corner Inlet Fisheries Habitat Association, in particular Neville Clarke and Joe Pinzone. I thank the Minister for Environment and Conservation and James O'Brien for listening to people who I believe were always willing to put rational arguments and believed that they needed to work hard with the environment to protect their futures.

The Corner Inlet marine park is a special place, as is Wilsons Promontory, and I am disappointed that we have not gone far enough. We gave the government the opportunity, and I wish it had taken it up. The documentation has been well presented, and the brochure *Marine National Parks for All Victorians for the Future* says that Corner Inlet is a world-class wetland and refers to the mudflats and the salt marshes.

We did not do well enough. We have to take another step in Corner Inlet. The salt marshes and the mudflats are vital for that whole environment. If we do not do something now it will be a step backwards, not a step forward. Clear and precise action should be taken at Corner Inlet, and needs to be based around the whole environment, which includes the outflow of sediment and nutrients that run off into Corner Inlet and the sewage outflow. There is also concern at Barry Beach, where the ships discharge ballast water and introduce exotic pests, which Corner Inlet does not have and does not want. A great deal of research must be done on the broad and narrow leaf seagrasses in that region.

For those who have not been to Corner Inlet it is one of the most beautiful experiences you could ever participate in. To me it is a treasure which we should work hard and long to preserve. It falls in naturally with Wilsons Promontory. If you look at the Prom and see Corner Inlet you realise we could have not only a great viable fishery but a great environmental outcome at the same time. It is about ensuring continued sustainability and environmental management. Importantly we must take into account that this is a benchmark, a point to move on from, not to look back at. We have heard a lot about what happened in the past, but that should not now take place.

I turn to the issue of misinformation. I say to Dr Tim O'Hara: please stop the nonsense, it does not help anybody. Tim, if you're fair dinkum about the environment and Corner Inlet, let's work together with the community down there. Your article in the *Victorian Regional Ripples* volume 8, no. 4 autumn 2002 did nothing about working for the future of the environment. Talk to the people down there and do not

write the nonsense that you did last time about the seagrass. It is not true and you know it.

I place on record that there will be no loss of fishermen's licences for activities in Corner Inlet because of the negotiated outcomes. I do not see this as a conclusion to Corner Inlet: it is but the first step of many more to come, such as ensuring sustainability, looking at transfer of catch effort and the buying back of licences in the future.

I believe recreational fishers have accepted the reality of marine parks, but with reservations. Many will be disappointed but at the same time not many will be affected in reality. Significant work needs to be done to heal some of the divisions, and if we cannot heal those divisions when problems arise, particularly in Port Phillip Bay, then there need to be changes to the relationship between commercial and recreational fishermen. We cannot expect them to do it because we know that they have not been able to do it. We must work for the future of Port Phillip Bay and overcome the conflict that occurs between recreational and commercial fishermen. The reality may be that commercial fishing needs to change its practices in Port Phillip Bay and there are plenty of suggestions as to how that can happen.

The bill will obviously have an impact on charter boat operators and in some locations they will find it difficult to continue their livelihood in the manner they have done over a long time. But it is not the end for them. I do not believe in the doom and gloom. Charter boat operators are very resourceful characters — and characters they are. I am sure that at the end of the day they will find another way and another place in which they can catch fish. We must be mindful that they do not overfish those areas, and we should all be on notice about that.

Port Phillip Bay is a special place. In 1992 I sent the former Premier, Jeff Kennett, a submission called 'Port Phillip Bay — our front yard, not our back yard'. We all owe Port Phillip Bay much more dedication and hard work. We must change it into our front yard; we must work hard on the environment in Port Phillip Bay. It is a treasure, but unfortunately it is not treated as such; it is treated more like our backyard. We throw our grass clippings into it, it takes sewage outflow and it has exotic pests. We do not maximise what Port Phillip Bay can give us. We need to readdress the issues facing Port Phillip Bay, which I am passionate about.

I will soon conclude my remarks by talking about abalone. My 10 minutes will soon be up and I do not wish to take up the time of my colleagues. I wish I

could talk about the bill forever. I believe there are great opportunities in Victoria to show off our marine environment. Port Phillip Bay is something on which we can all work hard to achieve great outcomes.

We have heard a lot today about processes, about what has happened since day one and where we are now. Let us move forward in a spirit of cooperation and where the environmental views of the public, of government and of commercial and recreational fishermen can move together. Just imagine the energy and outcomes that could be achieved if we sat down and all stakeholders had an opportunity to work together to ensure that our environment, and particularly our marine environment, continues to exist.

I turn now to abalone. The government has committed \$14.3 million over four years, some \$3.4 million each year, and 21 regional field-based fisheries officers. I can understand the logic of that. I think the Honourable John McQuilten got it right; he hit the nail on the head and he is on the money with respect to the way this scheme is applied and it will not be easy.

Richard McLoughlin and the minister must take notice of the abalone industry and the regional fisheries officers. It is not a direction, as letters from Mr McLoughlin indicate. Clearly he is dictating some terms about the enhanced enforcement program. I have many documents concerning this issue, but I do not have time to go through them all. I have the draft of the enhanced compliance package where the proposals have been put. In another debate I may lead into some other things relating to this, but not this evening.

Clearly it is not right. If the government is saying that the money and the 21 new field officers are about enforcement in the abalone sector, then the document presented in April of this year is wrong on many counts.

We all know that the majority of poaching is done in certain areas, yet if one looks at the allocation of resources it does not fit in to where the needs are paramount. Wilsons Promontory and the Cape Liptrap area in particular, and Mornington are examples. The Yarram fisheries office has to look after the 90-mile beach, Corner Inlet and Wilsons Promontory — some 19 850 hectares. The notorious poachers, whether they be Cam Strachan, Hajdu, Degelder or Tyrer, home in on those areas, but when one looks at the document Richard McLoughlin put forward there is no reflection of the activity that occurs.

On behalf of the abalone industry and the central zone fisheries officers who work at the coalface, I say to the

government: please listen to them. The proposals for Yarram should be six officers and Mornington should be eight. It is not good enough to blanket these enforcement officers without due regard to the government's direction. The government cannot walk away from the fact that everybody in the industry and the fisheries officers believe clearly that the package is about enforcement in the abalone industry, not just in the marine parks but outside the marine parks — the total fishery. We need a concerted effort outside the parks areas.

I support the submission made by the abalone industry about having a task force. It has been proven clearly in Tasmania that it has worked. I say to the government: please make sure you get this right because if you do not we will not get too many chances at it again. I can arrange for plenty of people who are willing to talk to you to do so, and a lot of them work for the government. Clearly there is a lot of interest in what happens with abalone, and we have a real opportunity in this state to get our act together and to move on. No more looking back; we must look forward to an important industry.

In conclusion, to all present this evening, I thank all of my colleagues for the hearings they have given me over many years on marine parks. I place them all on a warning. I will leave this place at the next state election, and I hope we have achieved some things by the end of the year, although the election may not be held then anyway. That may be a large ask, but one of the dreams and aspirations I share with a lot of people is that for many reasons Port Phillip Bay should be a marine park. It is a special place we need to protect because it has a great marine and environmental diversity. We should not stop there. We should go to Western Port and then every inch of our coastline. We have the opportunity to move on.

I know it is a big ask. I have a few years left in me yet, and I will be knocking on everyone's door the moment the election is over. This is my opportunity — it may be my last opportunity to speak in this place — and I cannot think of anything that would be better or more fitting for the state of Victoria than to have Port Phillip Bay as a marine park.

It would be managed by an authority and offer a clear and visible direction for us all. We have taken the first step and I congratulate all of those who have gone on the journey. I wish the legislation well, whoever talks after me — —

Hon. Bill Forwood — A speedy passage?

Hon. G. R. CRAIGE — A speedy passage, I do indeed. I will not finish there but I will finish in 1 second. I thank all of my colleagues. I would have said that in 1988 the Honourable Mark Birrell and I would have stood apart on many of these issues but today I stand shoulder to shoulder with him on this issue, and that is an illustration of one of the great things about this party — that you have an opportunity to change and to learn as you go along — —

Hon. J. M. McQuilten interjected.

Hon. G. R. CRAIGE — I changed; he would never change. It is with a great deal of pleasure I stand here this evening to support an important piece of environmental legislation for the state of Victoria.

Hon. C. A. STRONG (Higinbotham) — I rise to also support the bill, which in essence is good legislation, although I must say, as other speakers have, that it has had a difficult birth. There is no doubt that the precursor of legislation brought in 12 months ago was fatally flawed in that it left out the two important areas of Cape Howe and, particularly from my point of view, Ricketts Point. It was also fatally flawed in that no compensation was allowed in the bill.

As legislators and as citizens we must be prepared to change the rules to protect environments and things that need to be protected, but in making those changes we must always be careful that we do not impinge upon the rights of individuals. The legislation that came before us some time ago did that. Its objective was worthy but in seeking that objective it impinged upon the rights of individuals. Now those flaws have been corrected, particularly the omission of the two areas of Cape Howe and Ricketts Point, it is highly worthy legislation which I am pleased to support.

I want to spend a couple of minutes talking about Ricketts Point because it is significant that it was left out of the original legislation. It is a unique part of the Port Phillip Bay environment. We have just heard Mr Craige talk at length about the importance of Port Phillip Bay, and Ricketts Point is an important part of it. It is in my electorate and is close to Melbourne, which is the major population centre of the state. It is accessible to many people, particularly school groups and schoolchildren who currently visit Ricketts Point. As a marine sanctuary they will visit it more in the future, to learn about the importance of preserving our marine environment and its special characteristics. Ricketts Point is enormously important because of its accessibility to Melbourne and to schools and the way it can be used to impress upon a new and younger generation the importance of our marine environment

as something they can visit and enjoy with great convenience.

Certainly this is strongly supported in the local scene. It is strongly supported by the Bayside City Council and by the great majority of local people. For some unknown reason Ricketts Point was left out of the original legislation, something that disturbed me greatly. Since Ricketts Point was left out of the original bill I have requested the minister in this place to ask the minister in the other place why it was left out and to plead that when the bill was reintroduced — as it was obviously going to be — that it have Ricketts Point in it. That is a campaign I had great pleasure and pride in running in my electorate — to try to ensure that Ricketts Point was ultimately included in this bill. I am very pleased that all the work done by people in the local bayside community, and me as their representative, exerted some pressure to see that Ricketts Point was included in the legislation.

We hear a lot about the role of this house, and we will hear a lot more about it as time goes on. This legislation shows the very great benefit of this house, because if this chamber was not here and the Liberal Party had not stopped the flawed legislation that was introduced some 12 months ago — a bill that was clearly defective in several important aspects — we would not have the bill that we have today, and there is absolutely no doubt that the bill we have today is a much better bill. This is a very important lesson in the importance of an independent upper house of review. With those few comments, I have much pleasure in supporting the bill.

Hon. R. H. BOWDEN (South Eastern) — I rise to make my contribution this evening, and at the outset I make it clearly understood that I personally believe marine parks are and can be a good thing. I have no basic objection to marine parks, and in the many meetings and public discussions I have attended I have had that view reinforced. So I am comfortable with the general approach of supporting marine parks.

I also would like it understood at the outset that I have no fundamental difficulty with the concept of no-take zones, because I think the idea of a no-take zone within a marine park is sensible and sound. There is a very good scientific reason why one should have a no-take zone — it can be a laboratory or a defined area for all sorts of scientific measurement to assist in understanding the marine life that one wants to learn more about, protect and generally conserve.

Having said that, I am deeply disappointed with one aspect of the bill. I am unhappy and dissatisfied that the

interests of the recreational fishing community have not been not only overlooked but completely ignored.

Some weeks ago I took the trouble to go to far north Queensland. I visited the James Cook University and the Australian Institute of Marine Science which is south of Townsville. I had long discussions with senior, experienced and internationally renowned Australian scientists who are knowledgeable about marine parks and the way they are developed. At both those visits I learnt that there is no reliably accepted information available to us at this time that substantiates the premise that recreational fishing is either harmful or should be banned in marine parks. I came away from North Queensland a few weeks ago unhappy and disappointed because the model in the legislation that is before the house for ratification this evening does not accept the validity of multiple-use marine parks.

The recreational fishing community has been slighted and poorly treated. Just to show the importance of the recreational fishing community I refer honourable members to the second report of the parliamentary Environment and Natural Resources Committee titled *Inquiry into Fisheries Management — Second Report* and dated June 2002. At page 109, under the heading 'Recreational fishers', chapter 5.32 states:

As was described in chapter 2, according to a 1996 survey, the number of Victorians who fished was estimated to be 841 000. This represented 23 per cent of the population. In 2000–01, the number of licensed recreational fishers was 223 812 — a still substantial number.

The recreational fishing industry supports a huge amount of economic activity in this state. On the same page of the same report, chapter 5.37 gives this information:

A 1996 study of the provision of goods and services allied to recreational fishing activity generated 27 000 jobs annually.

And that is in Victoria.

I am far from impressed. I am very unhappy and deeply disappointed at the fact that the model for the marine parks does not contain the understanding that there is nothing scientifically wrong with the concept of allowing multiple use in marine parks.

The South Eastern Province is an important part of this whole program because within its borders are 7 of the 13 proposed marine parks. To my knowledge the South Eastern Province has the longest continual stretch of salt water in the state within a single electorate. It also has the most-used and visited stretch of salt water for recreational and commercial fishing in the state. Therefore, this legislation has an enormous impact on

the constituents that I and my colleagues from that area are privileged to represent.

In adjusting the legislation compared to the 2001 model, I was again disappointed to see that when the focus came on Western Port it did not offer any concessions to the recreational fishing community — and if anyone thinks I am happy about that they had better think again. The access to Western Port is not good enough, the number of hectares tied up in this proposal is too large, and the community down there is not happy.

During the lengthy lead-up to this debate tonight I was disappointed to be approached, along with other honourable members, on several occasions by representatives constantly making sure we understood that it is only 6 per cent of the coastline. It is 6 per cent of the coastline, but what disappointed me in the representations made to us was that there was no mention that it is approximately 30 to 35 per cent of the available safe water.

I was unhappy that we were considered gullible enough to accept that they cover only 6 per cent of the coastline. It is in reality more than 30 per cent of the available safe water, and given that 7 of the 13 proposed national parks are in my electorate I am not satisfied with the end result for recreational fishing.

At one briefing on the bill I nearly left the meeting. The question was asked by an honourable member, 'What about beach fishing? Is it possible to throw a line from the beach into what may be a park?'. The answer from the representative of those briefing us at that time was, 'No, there will be no beach fishing in a marine national park'. That is an inexcusable hard line. There is an enormous stretch of beachfront in the South Eastern Province and in the almost 10 years I have been a member representing that province I have never seen any part of that coastline in my electorate overfished from the beach. That prohibition is wrong. It is hardline and it should be reviewed.

The bill will have a high impact on the economic activity and the psychology of those in the small coastal communities and of families in many places within my province. Places like San Remo, Rhyll, Rye, Rosebud, Sorrento and many others will be negatively affected. I am quite sad this evening because I know that the impact of the bill on many good families will be severe and harsh in the name of marine parks. I am unhappy about that, and I will work to try to have that situation improved for the future.

The charter boat business will be affected. The people running those businesses provide a much-needed service. They run good businesses and thousands of people each year use their charter boats for recreational fishing. I have 18 of those businesses within my electorate. The *Inquiry into Fisheries Management — Second Report* claims that there are 130 such businesses in Victoria, and many of those are at risk.

One of the things that really makes me unhappy about this bill is that a marine park is proposed in the area of Port Phillip Heads and another is proposed at Mushroom Reef, which is immediately to the south of Flinders. The distance between those two parks is approximately 40 kilometres, and right in the centre is the Gunnamatta outfall. Each day the Gunnamatta outfall pours 350 million litres of contaminated sewage water into Bass Strait. I will repeat that figure: 350 million litres a day of contaminated sewage water is poured into Bass Strait between those two major marine parks! If the state government is serious — really serious — about the philosophy of marine parks, why is it planning to continue to pour 350 million litres a day of contaminated sewage water into Bass Strait only 20 kilometres or so from those two very valuable future marine parks?

I am also concerned about boating safety. If one takes a small boat out from the Sorrento launching ramp and heads south towards the Heads, under this bill there will be severe restrictions on the eastern side towards the Point Nepean National Park, and the safety of boats in that area has to be more carefully thought through.

Recreational fishing has been deliberately overlooked in this legislation, but it has not been overlooked in terms of taxation. Let me give some examples. The state government takes from the recreational fishing community several taxes, fees and charges, including a recreational fishing licence, launching fees, boat registration fees, boat operation licences, trailer registration fees, stamp duties on the transfer of titles of boats and trailers, and several other imposts.

In excluding access for recreational fishermen and charter fishing the bill will have several impacts. It will negatively impact on several families and inevitably cause damage to small businesses and stress to families in my electorate. The bill is quite discriminatory in that it does not understand that multiple-use parks are necessary and should be encouraged.

When I was in Queensland a few weeks ago talking to the leading scientists at the Australian Institute of Marine Science, the suggestion was that it is helpful in the view of some of those scientists to have recreational

fishing because the recreational fishermen will take the larger fish, which gives the younger fish the ability to grow and develop and for there to be more diversity. They had no objection to the continuation in principle of recreational fishing.

The economic impact in Victoria of recreational fishing and commercial fishing is estimated to be \$1.2 billion per annum. If we are not careful over a period of time in approving the models, we are in danger of compromising some of that economic activity. We in the Parliament have to be mindful of people versus processes. We have to look after our people and support them. We must continually refine this model.

In conclusion, I would like to suggest that parks are fine and no-take zones are fine. We are talking about the definition. But this bill is seriously flawed because it does not contain in the model access for multiple users.

I am concerned about the economic impact and damage to certain of my constituents, and I will continue to remain very concerned about that. I believe that the clear majority of constituents in South Eastern Province are extremely concerned, and therefore the annual reports provided by the state government on the progress of these parks will be watched with great interest. There will be continual representations made to improve the model, and certainly early representations will be made to the government by some members, particularly me, to try to improve access to multiple-use parks. I will conclude my contribution with those comments.

Hon. ANDREA COOTE (Monash) — I am the speaker you have all been looking for, and I have timed my speech and it will be another 4 hours!

It is an enormous honour to be the final speaker on this bill. I congratulate everyone who has spoken on the bill so far. It has been really interesting. I will not go into the details of the bill because that has been done adequately tonight.

Honourable members interjecting.

Hon. ANDREA COOTE — I could go through it clause by clause, but I shall refrain. Although many people have already been thanked and acknowledged, I would like to pass on my acknowledgment and congratulations to the Environment Conservation Council (ECC), particularly Professor Lovering, Eda Ritchie and Jane Cutler. I would like to read from the council's message in the report:

The people of Victoria are justifiably proud of their national parks and understand the critical role they play in protecting

the state's unique biodiversity. They are enormously supportive of the fact that these parks are a haven for the protection of the plants and wildlife all Victorians can enjoy and which will always be available for the enjoyment and inspiration of future generations.

...

On balance, the ECC believes that the environmental outcomes —

of the creation of marine national parks and sanctuaries —

will, in the medium term, outweigh the possible initial economic and social costs.

The quote continues:

It is inevitable that for some, these recommendations and proposals will go too far and for others they will not go nearly far enough.

We have seen that in the debate tonight. However, we suspect that 20 years from now Victoria without a system of marine national parks would be as unthinkable as Victoria today would be without the Wilsons Promontory or the Grampians national parks. That summarises what the debate has done here tonight, and I congratulate Professor Lovering, who has done just that.

I want to share with you the journey I have taken on this issue. I started out being 150 per cent supportive of marine national parks. I am happy to say I have concluded at exactly the same point, but the road has been a long and interesting one and I would like to share some moments of that because it encapsulates what we have all encountered in dealing with the complexities of this bill and of the issues involved. For us to come to a vote here tonight with so much of what seems to be consensus is a credit to everybody who has been involved in the process.

I learnt a great deal. For example, I had never heard of Corner Inlet, and I learnt a lot about the people there and their involvement. I commend the Honourable Geoff Craige for his work there. He showed maps. The people from Corner Inlet lobbied effectively. They told me what their issues were, showed me where the seagrass was, explained their concerns. They showed how they were prepared to compromise and to look into their boundaries.

As Professor Lovering said, not everyone gets what they want out of this: the people in Corner Inlet did not get exactly what they wanted and neither did the Victorian National Parks Association. I have a letter from Chris Smythe who said that the VNPA people were not happy with what happened in Corner Inlet

either, but they are prepared to talk and to compromise, and I encourage the government to take up the Honourable Geoff Craige's suggestions for further discussions.

I also learnt about the commercial fishermen. The introduction to this was a vicious and very active public meeting in Geelong. People were out there saying, 'I hunt, I fish and I shoot', and there were dynamic and angry commercial fishermen. On the other hand there were conservationists from Swan Bay who had huge concerns about what was going to happen down there. I praise Garry Spry, the member for Bellarine in another place, for the way he handled those difficult and conflicting issues.

The commercial fishermen at Apollo Bay were mentioned once before tonight and I would like to put on the record my praise for Nick Polgeest and for the way the commercial fishermen lobbied and explained their issues to us, particularly to me as a person with an inner city seat. It was part of my learning curve, and I thank them for sharing their concerns with us.

I want to mention Seafood Industry Victoria and J. V. Marine Motors — who have not been mentioned here tonight — who are endeavouring to make better and more fuel-efficient engines for boats so people will cause less damage on our waterways. These people are sensitive to the environment and are to be commended. I mention also the charter boat operators who talked about their concerns and explained their problems and the impact the legislation would have on them. We are talking about cultural change here, about a totally different way of looking at our marine environment. On the one hand it is a cultural change that is very frightening and on the other hand it is very challenging. We should not be afraid of the challenges.

Many people tonight have spoken about a lack of scientific evidence. We have to look at scientific evidence overall. Science is a very inaccurate method. We have seen that with cancer, and in a whole range of medical issues it is very difficult to get it right, and with modern technology things are changing all the time. That is no different from what is happening with the research into the scientific impact on our marine parks. But there are over 90 organisations, headed by Michael Fendley, the director of VNPA, and Tim O'Hara, who said the ECC's marine national park and marine sanctuary proposals are based on sound scientific principles and studies. They are a result of nine years of investigation, six reports, six periods of formal discussion and 4500 public submissions. That is hardly a small number!

Very briefly I must say I have some concerns about the recreational fishermen. From my own point of view of the lobbying and the way that everybody else approached us, the recreational fishermen were very recalcitrant in their approach to us. They came out at the last moment and they were very strong and vocal. We heard about 800 000 of them — we heard about 80 000 of them who are registered — and we were told, 'They are in your electorate and look out, they are going to vote against you'.

I am sure they have a lot of major problems. I would have to encourage them once again to have a look at the map that was produced by the *Herald Sun* on Tuesday, 14 May to see where these parks are. They should take the emotion out of the idea and have a good look.

We have been sent a brochure called *Snapshot* by the Australian government. We need to look at what it says:

Setting out with a fishing rod and a heart full of hope is a quintessential Australian pastime, particularly for men and boys. Statistics suggest one in four Australians wets a line, of whom about 15 per cent do so regularly in diverse and often highly specialised ways.

Those Australians go to a whole range of areas to fish — no other natural resource industry has such a recreational sector. The brochure goes on to say that they collectively catch a lot of fish and that it is the species and the numbers of fish that we need to be mindful of.

As I said at the outset, I am still 150 per cent supportive of marine parks. It is an exciting, challenging and dynamic approach, but we have to take on board that we need more money for management, that we must look at pollution, that we must look into the research and scientific aspects of it better, and that we have to have accountability and education. If we are going to have a cultural change and have these marine parks for the future we have to teach Victorians how to use them properly and how to care for them and protect them well into the future.

I commend the bill to the house. I conclude with a quote from a letter from the Victorian National Parks Association dated 23 May:

For much of the 1970s and 1980s Victoria was considered a world leader in enlightened environmental management. The marine national parks initiative will return the spotlight to Victoria as a progressive and sophisticated state that both understands and implements triple-bottom-line strategies.

I congratulate all of you.

House divided on motion:

Ayes, 33

Atkinson, Mr	Jennings, Mr
Birrell, Mr	Katsambanis, Mr
Boardman, Mr	Lucas, Mr
Bowden, Mr	Luckins, Ms
Brideson, Mr	McQuilten, Mr
Broad, Ms	Madden, Mr
Carbines, Mrs	Mikakos, Ms (<i>Teller</i>)
Coote, Mrs (<i>Teller</i>)	Nguyen, Mr
Cover, Mr	Rich-Phillips, Mr
Craige, Mr	Romanes, Ms
Darveniza, Ms	Smith, Mr K. M.
Davis, Mr D. McL.	Smith, Ms
Davis, Mr P. R.	Stoney, Mr
Forwood, Mr	Strong, Mr
Furletti, Mr	Theophanous, Mr
Gould, Ms	Thomson, Ms
Hadden, Ms	

Noes, 6

Baxter, Mr	Hall, Mr
Best, Mr (<i>Teller</i>)	Hallam, Mr
Bishop, Mr	Powell, Mrs (<i>Teller</i>)

Motion agreed to.

Read second time.

Third reading

Hon. C. C. BROAD (Minister for Energy and Resources) — By leave, I move:

That this bill be now read a third time.

In doing so, I thank all honourable members for their contributions to the second-reading debate. I particularly wish to thank the opposition for its support of this bill, which establishes a world-class system of marine national parks and marine reserves for Victoria, and creates a wonderful legacy for future generations.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

**ENVIRONMENT PROTECTION
(RESOURCE EFFICIENCY) BILL**

Clerk's amendment

The PRESIDENT — Order! Standing order 300 enables the Clerk to correct clerical or typographical errors in a bill after the bill has been read

a third time and passed, and the Clerk shall forthwith inform the Council what errors he has corrected.

I now wish to inform the Council that, pursuant to standing order 300, the Clerk has made the following correction of a clerical error in the Environment Protection (Resource Efficiency) Bill:

In clause 5, page 4, line 11, in proposed new section 49AC, “(1)” has been inserted before “The Authority”.

ADJOURNMENT

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:

That the house do now adjourn.

Alfred Deakin

Hon. M. A. BIRRELL (East Yarra) — I wish to raise a matter with you, Mr President. It is a little known fact that Alfred Deakin was the youngest member to have served in this Parliament. He was born on 3 August 1856 and became the member for West Bourke in July 1879. He therefore became a member of the Victorian Parliament at the age of 22 years and 11 months.

Alfred Deakin was arguably Australia's greatest Prime Minister and is extremely well known for his role as Prime Minister of Australia on a number of occasions, first becoming Prime Minister in September, 1903. He is also one of the undisputed Federation fathers of this nation.

My concern is that most honourable members of the Victorian Parliament would not be aware that Alfred Deakin was even a member of this Parliament, let alone the youngest member, whereas most people would realise that he was a member of the House of Representatives and was our second Prime Minister and a noted small-l liberal. In that context I would ask you, Mr President, whether you could review this matter with the aim of ensuring that visitors to this Parliament, particularly members of the public, are able to encounter a fitting tribute to the fact that the youngest member of Parliament was Alfred Deakin and to reprise his early life as well as his later achievements.

My aim here is to reflect on the fact that this is a great honour for the Victorian Parliament, and in an educational sense we are extremely lucky to have a role model of the prominence of Alfred Deakin, who takes on the great title of being the youngest member ever to have served in this place. The time may come when someone younger than 22 years and 11 months will win

a seat in the Victorian Parliament, but I am not holding my breath.

We are fortunate that this great Australian achiever found his first political career here. In fact, he won that seat in 1879 only to resign almost immediately on a matter of extremely high principle. He then re-stood and won a seat back in Parliament. It was a mark of the man; but unfortunately if you entered this Parliament today you would not have a clue. It is time we recognised this achiever, and there may well be other examples that have been lost in history.

Fishing: inland access licences

Hon. P. R. HALL (Gippsland) — I raise a matter for the attention of the Minister for Energy and Resources. Perhaps appropriately, after the debate we have just had, it concerns the buy-out of inland fishery access licences. I previously raised with the minister the possibility of the government buying out the five remaining inland commercial fishery access licences. It has been brought to my attention that the government has now made an offer to the five licence-holders, that offer being just \$20 000 each. That figure is far less than that offered to buy back licences from Inlet Bay licence-holders who were offered in the vicinity of \$60 000 to \$80 000 each for their licences.

This is an ideal opportunity to resolve any conflict between inland recreational and commercial fishing, but it will not be resolved with a token buy-out offer being made to the commercial fishermen. In my discussions with them they suggested that a more appropriate figure would be \$50 000 to \$60 000. I ask whether the minister would consider raising the offer to these commercial licence-holders to a more realistic figure. I suggest in the order of \$50 000 to \$60 000 to ensure that these licence-holders are fairly compensated and that inland recreational fishers enjoy access to inland lakes without the need to compete with commercial operators.

Director of gaming and betting: conduct

Hon. BILL FORWOOD (Templestowe) — The issue I raise tonight is with the Minister for Gaming in the other place. It concerns the Ombudsman's report today on matters arising from the investigation by the Office of Gaming Regulation (OGR) into the International Game Technology organisation. The report states the Ombudsman's investigation was:

To investigate and report on the alleged unreasonable action of the Victorian Casino and Gaming Authority in negotiating and accepting payment of \$US200 000 from International Game Technology towards the cost of an investigation

conducted by the VCGA into actions of International Game Technology.

Quite early on in the report the Ombudsman states that he felt:

... compelled to examine the circumstances under which such a payment came to be made from a major participant in the gaming industry to a public body created under an act of the Victorian Parliament for the purpose of regulating the industry with particular emphasis on ensuring high standards of probity within the industry.

I recommend this report to honourable members. In particular I refer them to the findings detailed on pages 49 to 50. What these findings show is that this was an extraordinarily botched attempt by the Victorian Casino and Gaming Authority. Not only did its costs blow out — and there is a table which shows an extraordinary amount of money of over \$680 000 paid in the course of the investigation — but there are significant queries raised about the behaviour of the director, Bill Lahey. The conclusions state:

The investigation suffered from poor strategic planning and management.

They go on to say:

The acceptance of the payment of \$US200 000 by the OGR by way of payment of part of the costs of the investigation was inappropriate and a poorly judged decision.

The report goes on to suggest that the director of gaming and betting did not understand the powers of the board. The final sentence is:

Responsibility for this must ultimately lie with the director.

We now have the situation where the Ombudsman has demonstrated this Parliament can have no confidence in the director of gaming and betting, Bill Lahey. In the circumstances of a report such as this there seem to be only two choices: either Mr Lahey decides that he will resign, having been found in this report to be incapable of doing his job in an appropriate manner, or the minister must sack him immediately. I suggest that the minister put those options to Mr Lahey tomorrow.

Country Fire Authority: industrial dispute

Hon. E. J. POWELL (North Eastern) — I raise an issue with the Minister for Police and Emergency Services in another place. Fire trucks in my electorate are not being repaired — and this is happening all over Victoria — because of industrial action. I first read about this industrial action on 15 May on page 4 of *The Fireman*. I was alarmed to read that the Country Fire Authority district mechanical officers, or DMOs as they are called, could be party to the certified agreement for

wages and conditions only if they were union members. This is compulsory unionism and it is outrageous that workers should not be entitled to choose whether to join a union.

On 7 June I read on page 3 of the *Shepparton News* that work bans were in place and that the fire trucks will not be repaired. First it was a ban on routine maintenance and now there are no repairs to any trucks at all. There is only one spare truck in the region which is already in use to cover a breakdown. If a rural brigade's truck breaks down, it will not be repaired and in the case of a fire or emergency incident the firefighters will not be able to protect lives and property. A number of volunteer firefighters have contacted me because they are appalled with this situation. I ask the minister to intervene to resolve this urgent matter of public safety before lives and property are lost.

Templestowe Valley Preschool

Hon. C. A. FURLETTI (Templestowe) — I wish to raise a matter for the Minister for Community Services in the other place. It relates to a desperate situation that currently exists at the Templestowe Valley Preschool in the electorate I am honoured to represent.

The situation is that the preschool is trying to find a replacement teacher for four-year-olds to take the place of the permanent teacher who is going on a 10-week holiday. It is a full-time position to begin on 15 July.

I received a four-page email setting out the steps that Sue Vitnell had taken. She is the president of the Templestowe Valley Preschool, whom I had the pleasure of meeting and talking to just a few weeks ago. She has literally gone through hoops trying to find a replacement teacher. She has contacted recruitment agencies and advertised in school magazines and local and statewide papers. She has contacted local childcare centres and kindergartens and primary schools. She has contacted local councils and the Department of Human Services. She has emailed tens of schools in the area. I will not go through the processes that she has undertaken but suffice to say she has done more than one would expect and has not been able to find a replacement teacher.

As she says, the situation is becoming desperate. The preschool has some part-timers but the situation is very awkward. She asks: where are the kindergarten teachers? Where are the replacement teachers that this government is supposed to have found? Can the minister please offer some assistance to Templestowe Valley Preschool to find the replacement they are seeking?

Workcover: CCI agency agreement

Hon. R. A. BEST (North Western) — I wish to raise an issue tonight for the attention of the Minister for Workcover. I have received a copy of a letter sent to the Premier by the Catholic Archbishop of Melbourne, His Grace Denis Hart, in which he says:

I was surprised to learn recently that Catholic Church Insurances Limited (CCI) had its application rejected to continue as an agent for the Victorian Workcover Authority (VWA).

This company has managed the workers compensation business of the Catholic Church in Victoria since 1993 ...

...

1. Being part of the church, CCI has an intimate knowledge of the church's activities and in the management of workers' compensation matters it reflects the ethos of the church communities with, I am informed, a consequential buy-in by their workers of accident prevention strategies.
2. I am advised CCI has been recognised by the VWA as one of its outstanding agents, and in the VWA's own assessment under 'The Case for Change', CCI was recognised as the only VWA agent which provided a high level of service to both employers and employees.

It goes on to say:

I understand that the new 'claims management model' which the VWA seeks to introduce has been successfully practised by CCI for the past eight years and this would seem to offer obvious advantages to the VWA and other agents.

The letter concludes:

The loss of the CCI agency will have a significant detrimental financial effect. CCI is tantamount to a mutual company, it is owned solely by the church in Australia and passes its surplus directly to the church in various forms which are then able to better service the community as a whole.

It disturbs me that Catholic Church Insurances has not been provided with an explanation as to why their agency agreement was not renewed, despite asking for reasons. I understand that there have been no disputes or areas of concern between the VWA and CCI, or at least none brought to CCI's attention.

This is a serious problem with dramatic implications for the church and its employees. I call on the minister to urgently review the case of the rejection of Catholic Church Insurances as an agent of the Victorian Workcover Authority and to provide answers as to why CCI is unable to continue as an approved VWA insurance agent.

Insurance: public liability

Hon. K. M. SMITH (South Eastern) — I ask the Minister for Sport and Recreation to direct to the

attention of the Minister for Finance in the other place a matter concerning public liability insurance. I have a letter from south-western district of the Scout Association of Australia which is self-explanatory. It states:

We draw your attention to an ongoing problem that the committee of management of Brucknell Park scout camp face re public liability insurance.

Up until March this year any person or groups outside the scouting movement who were defined as family groups could obtain public liability insurance for \$33 per booking. This rate has now risen to \$130 per booking. For example, anyone wishing to hire a site to camp in a tent now faces a charge of \$130 insurance plus our fee of \$5 per head per night.

One must wonder what this is all about. The camp is facing a ludicrous situation. It is a non-profit organisation and makes only enough to maintain its wonderful asset.

Are there any solutions? For a long time the Minister for Finance has been promising to do something about public liability insurance. The opposition's private members bill, the Adventure Activities Protection Bill, would offer some help to these people because I would have thought that camping would come under that bill, yet the Minister for Finance was one of those who put it down in the other place.

Will the Minister for Finance have a good look at this problem that is affecting many different Victorian groups and organisations? It is time that he actually did something positive.

Farms: good neighbour fencing

Hon. B. W. BISHOP (North Western) — I direct a matter through the Minister for Sport and Recreation to the Premier because the issue of good neighbour fencing is covered by two portfolios, those dealing with the environment and transport.

The vexed question of the fencing responsibility of farmers whose properties adjoin public land is one that has frustrated the farming community for many years. The most contentious areas are parks and forests, where the neighbouring farms are often invaded by a wide range of wild animals that reside on the public land. Adjoining landowners, if they are both farmers, easily, simply and practically sort out the sharing of costs by paying half each. It may be done by contract, they may buy the material in a bulk lot and do it together or they may agree on whichever half is theirs and simply do it. That cost-sharing process has successfully existed amongst farmers historically.

I turn to the *Review of the Fences Act 1968* report that was presented to Parliament in November 1998. Recommendation 8 states:

The proposed Dividing Fences and Boundaries Act should provide that owners of adjoining land are liable to contribute to the cost of fencing works.

That is what we want — that this process should apply to Crown land. Any farmer who adjoins a park, forest or other of the patches of Crown land that are scattered throughout Victoria will tell you that the present process of no sharing of costs is unfair and discriminatory. The good neighbour policy between the Crown and farmers relating to fencing must be addressed. The good work of the committee that put together the recommendations in that 1998 report should not be ignored and should be acted on immediately. When will recommendation 8 be acted on and when will the government rightly assume its responsibilities as an adjoining landowner?

Local government: graffiti strategy

Hon. N. B. LUCAS (Eumemmerring) — I refer the Minister for Local Government in the other place to the issue of graffiti. I wish to commend the work of an organisation called RAGE — Residents Against Graffiti Everywhere — and particularly its founder, Mr Steven Beardon.

The organisation has looked at what has been done around the world to combat graffiti and has put together a document which it has sent to a number of councils who have used some of the ideas it contains to combat graffiti in their municipalities. It documents the many ways that councils and the community can take action, including the removal of graffiti within 24 hours, by the application of anti-graffiti solutions to public buildings and places, the concept of putting lighting in public places and a whole range of items to do with removal of graffiti. Issues such as policing, surveillance and community participation are gone into.

Councils throughout Australia have good records on the reduction of graffiti after taking up the programs. The City of Casey in my electorate has done some good work in this area, as has the City of Stonnington. The Onkaparinga council in Adelaide and Gosnells in Western Australia have also used the programs, so some good things are happening.

The fact that RAGE has collated material from around Australia and other places, including the United States of America, is worth while. The people involved are doing a worthwhile job. Local councils should be encouraged to do more in this area. Accordingly, I ask

the Minister for Local Government to review the program prepared by RAGE to combat graffiti with a view to his recommending to councils across Victoria that they too pursue similar comprehensive graffiti abatement strategies.

Johnny Mullagh Interpretive Centre, Harrow

Hon. R. M. HALLAM (Western) — I refer the Honourable Keith Hamilton in his capacity as Minister for Aboriginal Affairs to the proposed Johnny Mullagh Interpretive Centre at Harrow.

By way of background might I explain that Johnny Mullagh was an Aboriginal who was born around 1850 on Mullagh station near Harrow. Along with several other local Aboriginals he was taught to play cricket by the schoolteacher at the station. Johnny Mullagh must have been a very good student because he went on to become a core player in the first international touring cricket team which travelled to England in 1868. As an aside, I make the point that Australia had an international cricket team before it had a national Parliament.

Johnny Mullagh did very well. History records that he made a great contribution to that touring team, which won as many matches as it lost during the tour. He later represented Australia on many occasions and did so with great distinction. He occupies a very proud place in our national history and is part of our folklore that even today brings Australians together in the common bond we share of 'sticking it up the Poms'.

As a result of a grant from the Community Support Fund and the generosity of two great local benefactors in Geoff and Helen Handbury we now have the capital funding required to accommodate the centre. What is now sought by the West Wimmera Shire Council on behalf of the local Harrow community is some assistance in collating the history and assembling the exhibition.

I suggest to the chamber that all Australians should be very proud of Johnny Mullagh, and that should apply particularly to Aboriginal Australians. I commend the appeal to the Minister for Aboriginal Affairs and suggest that here is a great opportunity to acknowledge a very significant page in our history, but to do so in a way that includes the earliest Australians in a very positive and appropriate way.

I ask the minister to give the Johnny Mullagh appeal his most earnest and generous consideration.

Princes Highway, Beaconsfield: traffic control

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I raise a matter for the attention of the Minister for Transport in the other place relating to the intersection of the Princes Highway and the Princes Freeway in Beaconsfield. This issue also relates to the Pakenham bypass. The problem with the intersection is that with the increasing volume of traffic using the Princes Freeway vehicles using the Princes Highway and turning across the freeway to go to Beaconsfield on the highway are encountering a dangerous situation. The volume of traffic coming up the Princes Freeway onto the highway to Pakenham is of such a volume that it is very dangerous for traffic turning across. If the Pakenham bypass were built this would not be a problem, but in the absence of the bypass some sort of traffic control device is required.

The Shire of Cardinia is very keen to have traffic lights installed at the intersection of the Princes Highway and the Princes Freeway in Beaconsfield. I support this request from the shire as an interim measure that hopefully will not be required once the Pakenham bypass is completed and the volume on that road is reduced, but until the government funds the bypass something needs to be done at that intersection. I seek from the minister his support to have Vicroads install traffic lights at the intersection of Princes Highway and Princes Freeway in Beaconsfield to improve traffic flow and the safety of vehicles heading west and turning across the Princes Freeway to go to Beaconsfield.

Buses: Burke Hall service

Hon. D. McL. DAVIS (East Yarra) — I refer to the attention of the Minister for Transport in the other place a proposed bus route from Glen Iris, Camberwell and Canterbury to Burke Hall, Xavier College, Kew. I raised this matter in this place last week. In that period there have been a number of developments and I have met with a group from Burke Hall and had considerable discussions with them. The Honourable Mark Birrell, my colleague and member for East Yarra Province, has had correspondence from the minister regarding this issue, which is very welcome. The honourable member took up a local issue and it got a significant reaction.

We have been pleased to get this correspondence from the minister. However, the correspondence alludes to the development of a bus route by the National Bus Company to the northern aspect, towards Warrandyte and out along Doncaster Road. That is of interest to the school, the parents and students, but does not solve the full problem that the school community faces. The

proposals that were put to me by the delegation from the school have the full support of Richmond Patterson, the deputy head of Xavier College, Burke Hall campus. The point the delegation made was that most of the families are clustered in and around Glen Iris, Camberwell and Canterbury and that there is a need to develop a bus route that brings students from the southern aspect, the bottom end of the City of Boroondara up to Burke Hall in Kew and the further aspect of Kew where it is positioned.

It is important to realise that these families have at the foremost of their mind the safety of children travelling every day, and there is no direct way they can travel to Burke Hall in Kew. Indeed, the development of the bus route would add a safe, secure and a faster route. I understand there are least 47 families and over 50 students who would be able to take up this service. I seek the minister's assistance for a careful development of a southern route.

Parliament: sitting hours

Hon. M. T. LUCKINS (Waverley) — I raise a matter for the Minister for Education Services as Leader of the Government on government management of the legislative program and the sitting hours, which are of concern for parliamentary officers, staff and members of Parliament alike, especially when the house sits into the next morning on consecutive days.

I ask the minister to consider the occupational health and safety implications of sitting until 2.30 a.m. or 3.00 a.m. as we will probably do and the risk of death and injury for all present as we travel home this morning and report for work in 7 hours time. Not only are members of Parliament and parliamentary staff deprived of sleep but our loved ones and children are deprived of their partners, mothers or fathers as we struggle to pass the government's legislative program largely due to the government's poor planning and management.

While standing orders are hardly family friendly, with normal sitting hours listed until 10.00 p.m. daily, this is far preferable to midnight or later, particularly when many honourable members and staff travel significant distances to go home to family and in many cases have to fulfil obligations to their families and young children in the mornings. I fear that it will take a tragedy to institute a full review of the sitting hours and I must say, there by the grace of God go all of us, as we travel home very fatigued after long sitting weeks such as this.

I urge the Leader of the Government to ensure that future sittings of Parliament are conducted in accordance with the standing orders.

Waverley Park

Hon. I. J. COVER (Geelong) — I wish to raise a matter with the Minister for Sport and Recreation and I welcome his attendance at the adjournment debate — a rare occasion for him.

I raise a matter concerning the \$77 million announced as a government commitment to the redevelopment of the Melbourne Cricket Ground (MCG) hopefully in time for the 2006 Commonwealth Games. As I say, the government has announced the \$77 million funding although we do not know exactly where it is coming from. Perhaps we will discover later in the year when the supplementation of the Commonwealth Games budget is put in place — —

Hon. G. R. Craige — It could come from the footy betting!

Hon. I. J. COVER — It may well come from the footy betting. I thank Mr Craige for reminding me. As I recall, at one stage the footy betting competition was going to provide substantial funds to the government for a project I am about to talk about.

If the government is able to find \$77 million for the redevelopment project for the MCG I put it to the minister that for an additional \$3 million, give or take, the government could have bought Waverley Park, which I understand had about an \$80 million price tag on it. If the government found \$77 million and another \$3 million to make it up to \$80 million, it could have bought Waverley Park, thus fulfilling the Australian Labor Party's no. 1 election promise. The promise made by the Premier was that the first phone call he was going to make was to the Australian Football League to save Waverley Park. All government members have done in the past week is ring up the Treasurer and say, 'Can you find us \$77 million for the MCG redevelopment because we do not want the \$90 million from the feds?'

I ask the minister: why did the government not buy Waverley Park?

Responses

Hon. J. M. MADDEN (Minister for Sport and Recreation) — In relation to the issue raised by the Honourable Peter Hall regarding the buy-out of commercial fishery licences, I will refer this to the Minister for Energy and Resources.

The issue raised by the Honourable Bill Forwood regarding the Ombudsman and findings regarding the Victorian Casino and Gaming Authority I will refer to the Minister for Gaming in the other place.

The Honourable Jeanette Powell raised the issue of fire truck repairs, and I will raise this for the Minister for Police and Emergency Services in the other place.

The Honourable Carlo Furletti raised the issue of the Templestowe Palley preschool and a replacement teacher. I will raise this with the Minister for Community Services in the other place.

The Honourable Ron Best highlighted the issue of Catholic Church Insurances Ltd and its Workcover agency status, and I will refer this to the Minister for Workcover in the other place.

The Honourable Ken Smith raised the issue of the south-western district of the Scout Association of Australia and respective public liability issues, and I will raise this with the Minister for Finance in the other place.

The Honourable Barry Bishop raised the issue of good neighbour fencing responsibility adjoining public land, and I will refer this to the Premier.

The Honourable Neil Lucas highlighted graffiti issues, the Residents Against Graffiti Everywhere organisation known as RAGE and its associated information and research. I will refer this to the Minister for Local Government in the other place.

The Honourable Roger Hallam raised the issue of the Johnny Mullagh interpretive centre near Harrow and associated funding issues for research into the history of Johnny Mullagh, and I will raise this with the Minister for Aboriginal Affairs in the other place.

The Honourable Gordon Rich-Phillips highlighted the issue of the Pakenham bypass and the related problems at the Princes Highway and Princes Freeway intersection, and I will refer this to the Minister for Transport in the other place.

The Honourable David Davis raised the issue of the bus routes proposed to service Burke Hall, and I will refer this to the Minister for Transport in the other place.

The Honourable Maree Luckins raised the issue of sitting hours and the issues associated with the extension of these, and I will raise this with the Leader of the Government.

The Honourable Ian Cover raised the issue of Waverley Park and the Melbourne Cricket Ground and — —

Hon. I. J. Cover — Who will you refer that to?

Hon. J. M. MADDEN — I am happy to speak at some length on that matter, Mr Cover, but I appreciate that that is probably a matter for another day.

The PRESIDENT — Order! The Honourable Mark Birrell asked me to consider the establishment of a suitable enduring tribute to the great Australian achiever, Alfred Deakin, the youngest member of the Victorian Parliament, who of course went on to become Prime Minister on three occasions.

The publication *The Melbourne Prime Ministers*, published by the parliamentary library for the centenary of Federation, gives us a short insight into the extraordinary life of Alfred Deakin, particularly in relation to the move towards federation of the Australian colonies. This Parliament is giving some preliminary consideration, under the guidance of the esteemed Dr Ray Wright, as to how we might mark the 150th anniversary of the establishment of our bicameral Parliament.

As Mr Birrell would know, Alfred Deakin was born in the same year as this Parliament, in 1856. It will be very appropriate that Deakin form a central element to those celebrations and I am sure he will be included in the considerations. We welcome any suggestions that Mr Birrell or other honourable members might have on this topic.

Motion agreed to.

House adjourned 2.33 a.m. (Thursday).

Australian women: eligibility to vote, to sit and first women elected to Australian parliaments

Parliament	Date eligible to vote (assent or commencement date)	Date of first election eligible to vote	Date eligible to sit (assent or commencement date)	Date of first election eligible to stand	Date first woman elected	Name	Party	Electorate (single-member unless otherwise specified)
SA House of Assembly	21.3.1895	25.4.1896	21.3.1895	25.4.1896	7.3.1959	Joyce Steele	LCL	Burnside
SA Legislative Council‡	21.3.1895	22.5.1897	1.1.1959 ¹	7.3.1959	7.3.1959	Jessie Cooper	LCL	Central No. 2 ²
WA Legislative Assembly	18.5.1900	24.4.1901	3.11.1920	12.3.1921	12.3.1921	Edith Cowan	Nationalist	West Perth
WA Legislative Council‡	18.5.1900	29.8.1900	3.11.1920	13.5.1922	8.5.1954	Ruby Hutchinson	ALP	Suburban
House of Representatives	12.6.1902	16.12.1903	12.6.1902	16.12.1903	21.8.1943	Dame Enid Lyons	UAP	Darwin (Tas)
Senate	12.6.1902	16.12.1903	12.6.1902	16.12.1903	21.8.1943	Dorothy Tangney	ALP	WA ³
NSW Legislative Assembly	27.8.1902	6.8.1904	21.12.1918	25.3.1922	30.5.1925	Millicent Preston-Stanley	Nationalist	Eastern Suburbs ⁴
NSW Legislative Council – appointed	N/A	N/A	27.1.1926	N/A	23.11.1931 ⁵	Ellen Webster Catherine Green	ALP ALP	N/A N/A
NSW Legislative Council – popularly elected	10.8.1978	7.10.1978	10.8.1978	7.10.1978	7.10.1978 7.10.1978 7.10.1978 7.10.1978	Virginia Chadwick Marie Fisher Deirdre Grusovin Dorothy Isaksen	Liberal ALP ALP ALP	N/A N/A N/A N/A
Tas House of Assembly	29.2.1904	29.03.1906	14.2.1922	25.3.1922	19.2.1955 19.2.1955	Milly Best Mabel Miller	Liberal Liberal	Wilmot ⁶ Franklin ⁷
Tas Legislative Council†	29.10.1920 ⁸	3.5.1921	14.2.1922	2.5.1922	8.5.1948	Margaret McIntyre	Independent	Cornwall
Qld Legislative Assembly	1.1.1907	18.5.1907	23.11.1915	16.3.1918	11.5.1929	Irene Longman	Progressive Nationalist	Bulimba
Vic Legislative Assembly	31.3.1909	16.11.1911	12.5.1924	26.6.1924	11.11.1933 ⁹	Lady Millie Peacock	UAP	Allandale
Vic Legislative Council‡	31.3.1909	12.5.1924	12.5.1924	4.6.1925	5.5.1979 5.5.1979	Gracia Baylor Joan Coxsedge	Liberal ALP	Boronia Melbourne West

1. A legal challenge to the nomination of women resulted in legislation, with backdated provisions, to enable women to stand for election.
 2. First elected in two-member district.
 3. Fourth elected at an election where four were elected (usual three plus a casual vacancy). Elected by preferential voting: PR introduced in 1949.
 4. Fifth elected in five-member district. Legislative Assembly had multi-member electorates between 1918 and 1926.
 5. Until 1934 members of the Legislative Council were appointed by the Governor; from 1934 to 1978 they were elected by both chambers.
 6. Elected fifth in six-member district.
 7. Elected first in six-member district.
 8. Vote extended only to women who had served as nurses in WWI (*Constitution (War Service Franchise) Act 1920*).
 9. By-election to replace her late husband, a former Premier.
- ‡ Property qualifications applied. Removed in 1973 in South Australia (*Constitution Act Amendment Act 1973*, assent 22.11.73); removed in 1963 in Western Australia (*Constitution Acts Amendment Act (No. 2) 1963*, assent 17.12.63); removed in Victoria in 1950 (*Legislative Council Reform Act 1950*, assent 11.10.50).
- † Property and ex-service qualifications applied; removed by *Constitution Act 1968* (assent 20.12.68).

Source: <http://www.aph.gov.au/library/pubs/rn/1996-97/97rn55.htm>

